

group of temporary office buildings and the Council of National Defense Building, located on D Street between Seventeenth and Eighteenth Streets NW., and the Corcoran Court Building, located on New York Avenue between Seventeenth and Eighteenth Streets NW.

Mr. STERLING. It seems to me that that ought to follow our action the other day in refusing the appropriation.

Mr. SMOOT. Not only that, but the two buildings mentioned here are on privately owned land, and they claim that under the present law they have no power to remove those buildings from that privately owned land. This authorizes their removal.

Mr. McKELLAR. I think the part down to the word "north-west," on line 1 of page 85, ought to remain in the bill; but I should like to have the remainder of that item go over until to-morrow and let me look into it, because that authorizes the Public Buildings Commission, at any time it desires, to tear down any of the Government-owned temporary office buildings in the District of Columbia.

Mr. WARREN. Mr. President, if I am allowed to say so, I do not know any reason why our striking out the Council of National Defense prevents disposing of the building.

Mr. McKELLAR. I say I agree to that. I think that ought to remain in the bill.

Mr. WARREN. That should not go out.

Mr. McKELLAR. I think so. I think that ought to stay in the bill.

Mr. WARREN. On the other hand, we are up to this proposition: Either we shall have to make longer leases, because the time has expired or we shall have to remove the buildings.

Mr. McKELLAR. I see that a statement has been made in reference to that, and that was my statement in part; but as to the remainder of the amendment, which reads:

And whenever the Public Buildings Commission determines that any of the Government-owned temporary office buildings in the District of Columbia should not be retained by the United States for office or other purposes the department, bureau, or commission having charge of the maintenance of said building or buildings is hereby authorized to remove said building or buildings, upon approval of the President, either by sale or otherwise, as may be to the best interests of the United States: *Provided*, That the provisions contained herein shall not apply to the Potomac Park office buildings south of B Street north and west of Seventeenth Street west—

I hope the Senator will let that go over until to-morrow.

Mr. WARREN. If the Senator desires it, that may go over. Of course, on general principles, if we do not make some such provision whenever we want to tear down some of those buildings that are under expense for watchmen and policemen and all of that we would have to come to Congress for it; but we shall pass that over.

Mr. McKELLAR. Yes; I understand what is intended. On the other hand, we are paying enormous sums in rent.

Mr. SMOOT. Let it go over until to-morrow.

Mr. McKELLAR. I may agree to it, but I want it to go over.

Mr. SMOOT. I can divide it to-morrow.

The PRESIDING OFFICER. Without objection, the amendment will be passed over.

The reading of the bill was resumed.

The next amendment was, on page 106, line 6, in the items for Indian Office, before the words "of class 2," to strike out "thirty-four" and insert "thirty-eight"; in the same line, before the words "of class 1," to strike out "sixty" and insert "sixty-eight"; in line 7, before the words "at \$1,000 each," to strike out "thirty" and insert "thirty-two"; in line 9, before the word "messenger," to insert "2 at \$720 each"; in the same line, before the words "assistant messengers," to strike out "two" and insert "four"; and in line 10 to change the total of the appropriation from "\$300,710" to "\$320,790," so as to make the paragraph read:

Indian Office: Commissioner, \$5,000; assistant commissioner, \$3,500; chief clerk, \$2,750; financial clerk, \$2,250; chiefs of divisions—1 \$2,250, 1 \$2,000; law clerk, \$2,000; assistant chief of division, \$2,000; private secretary, \$1,800; examiner of irrigation accounts, \$1,800; draftsmen—1 \$1,400, 1 \$1,200; clerks—20 of class 4, 31 of class 3, 2 at \$1,500 each, 38 of class 2, 68 of class 1 (including 1 stenographer), 32 at \$1,000 each (including 1 stenographer), 34 at \$900 each, 2 at \$720 each; messenger; 4 assistant messengers; 4 messenger boys, at \$420 each; in all, \$320,790.

The amendment was agreed to.

The next amendment was, on page 106, line 22, in the items for the Pension Office, after the words "deputy disbursing clerk," to strike out "\$2,500" and insert "\$2,750"; and, on page 107, line 3, to increase the total of the appropriation from "\$1,174,670" to "\$1,174,920."

The amendment was agreed to.

The next amendment was, on page 109, line 16, after the words "foreign Governments," to insert "production of foreign patent drawings," so as to read:

For producing copies of weekly issue of drawings of patents and designs; reproduction of copies of drawings and specifications of exhausted patents, designs, trade-marks, and other papers; expense of transporting publications of patents issued by the Patent Office to for-

eign Governments; production of foreign patent drawings; photo prints of pending application drawings; and photostat supplies and dry mounts; \$280,000.

The amendment was agreed to.

The reading was continued to line 9, on page 114.

GOOD ROADS.

Mr. SWANSON. Mr. President, I desire to offer an amendment to the Post Office appropriation bill. A few days ago a bill passed the House of Representatives making an appropriation of \$100,000,000 for continuance during the fiscal year ending June 30, 1922, of the present appropriation for the improvement of roads.

I am apprehensive that the bill can not pass as a separate measure, because I do not believe anything will pass, except the appropriation bills, at this short session of Congress. It is of the utmost importance that this policy should be continued. A great many legislatures meet the coming summer and next fall, and consequently without action by Congress the States will not know what policy to pursue in connection with those improvements. Therefore I offer the amendment to the Post Office appropriation bill.

Thinking possibly it might be subject to a point of order, as it contains some additional legislation, I desire to give notice that under Rule XL, I will move to suspend paragraph 3 of Rule XVI, in order that I may propose to the bill (H. R. 15441) making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1922, and for other purposes, the following amendment, being the House bill which I have indicated.

Mr. THOMAS. I should like to ask the Senator what amount of appropriation his amendment carries?

Mr. SWANSON. It continues the present policy of \$100,000,000 a year.

Mr. THOMAS. Can the Senator state how much of the previous appropriation is still unexpended?

Mr. SWANSON. All of it is practically under contract. I think there is about \$200,000,000, but most of it is under contract.

Mr. THOMAS. Only \$200,000,000? Then the Senator proposes, although \$200,000,000 heretofore appropriated has not been expended but is under contract, to appropriate \$100,000,000 additional, in view of the present condition of the Treasury?

Mr. SMOOT. The Senator should be very thankful it is not more than that is asked.

Mr. THOMAS. I presume it will be more.

Mr. SWANSON. All of it has not been expended; but, as I said, the contracts have been let by which the States will have furnished two or three times as much as the Federal Government, but by 1922 the entire money appropriated will have been utilized by the States furnishing their pro rata part. The entire policy would be discontinued on the 30th of June, 1921, unless this appropriation were made.

Mr. THOMAS. Then it will probably discontinue, because it will not be made.

RECESS.

Mr. WARREN. Mr. President, we have made a pretty long day of it, and I move that the Senate take a recess until to-morrow at 11 o'clock.

The motion was agreed to; and (at 5 o'clock and 45 minutes p. m.) the Senate took a recess until to-morrow, Saturday, February 12, 1921, at 11 o'clock a. m.

HOUSE OF REPRESENTATIVES.

FRIDAY, February 11, 1921.

The House met at 11 o'clock a. m.

The Rev. James Shera Montgomery, D. D., pastor of Calvary Methodist Episcopal Church, Washington, D. C., offered the following prayer:

Our Heavenly Father, we still live in Thy remembrance. Therefore, accept our renewed pledge of gratitude. To-day give encouragement to all men who labor and guidance to those who are in perplexity, and may we know with growing emphasis that Truth's errands can not fail, and all good work is immortal. Through Jesus Christ, our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

NAVAL APPROPRIATION BILL.

Mr. MONDELL. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 15973, the naval appropriation bill.

Mr. McCLINTIC. Mr. Speaker, pending that motion, I think we ought to have a quorum present. I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Oklahoma makes the point of order that there is no quorum present. Evidently there is not.

Mr. MONDELL. Mr. Speaker, I move a call of the House.

The motion was agreed to.

The SPEAKER. The Doorkeeper will close the doors, the Sergeant at Arms will notify absentees, and the Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

Anderson	Eagan	Kendall	Riddick
Anthony	Eagle	Kennedy, Iowa	Riordan
Ashbrook	Edmonds	Kennedy, R. I.	Robinson, N. C.
Babka	Ellsworth	Kettner	Rouse
Baer	Emerson	Kless	Rowan
Bankhead	Esch	Kinkaid	Rowe
Barkley	Fairfield	Kitchin	Sanders, Ind.
Bee	Ferris	Lee, Ga.	Sanders, La.
Bell	Flood	Leshner	Sanders, N. Y.
Benson	Focht	Loneragan	Sanford
Bland, Mo.	Gallagher	McDuffie	Scully
Bowers	Gallivan	McFadden	Siegel
Bowling	Gandy	McGlennan	Sims
Britten	Ganly	McKinley	Slomp
Brumbaugh	Gard	McLane	Small
Caldwell	Goldfogle	Maher	Smith, Idaho
Campbell, Kans.	Goodwin	Mann, S. C.	Smith, N. Y.
Candler	Goodykoontz	Mason	Stearns
Cantrill	Graham, Pa.	Mead	Steele
Caraway	Hamill	Merritt	Stephens, Miss.
Carew	Harrison	Montague	Stiness
Carss	Haugen	Moon	Strong, Pa.
Casey	Hersman	Mooney	Sullivan
Chindblom	Hoey	Morin	Sweet
Clark, Fla.	Holland	Mudd	Thomas
Classon	Howard	Nelson, Wis.	Towner
Costello	Hulings	Nicholls	Vare
Cramton	Hull, Iowa	Nolan	Venable
Curtis, Mich.	Hull, Tenn.	O'Connell	Vestal
Dale	Humphreys	Pell	Volk
Davey	Husted	Perlman	Watkins
Dempsey	Igoe	Radcliffe	Whaley
Denison	Ireland	Rainey, Ala.	Wilson, Ill.
Dent	Jacoway	Rainey, Henry T.	Winslow
Donovan	James, Mich.	Rainey, John W.	Wise
Doolling	Jeffers	Ramsey	Young, Tex.
Doremus	Johnston, N. Y.	Ramseyer	
Doughton	Jones, Pa.	Randall, Calif.	
Drewry	Kahn	Reed, N. Y.	

The SPEAKER. Two hundred and seventy-two Members have answered to their names, a quorum.

Mr. MONDELL. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

The doors were opened.

Mr. KELLEY of Michigan. Mr. Speaker, I renew the motion made by the gentleman from Wyoming, that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the naval appropriation bill.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the naval appropriation bill, with Mr. WALSH in the chair.

The Clerk reported the title of the bill.

Mr. KELLEY of Michigan. Mr. Chairman, I yield 20 minutes to the gentleman from Illinois [Mr. MADDEN].

Mr. MADDEN. Mr. Chairman, it may seem strange in the midst of the consideration of a great naval program for a Member of the House to divert the attention of Members to another subject. In the few minutes allotted to me I propose to say what I think about the importance of the great Postal Service. It may not be of very much interest to those who sit before me to listen to what I have to say, but I shall endeavor to say what I think about it. The Postal Service is the greatest service in the Government. In time of peace the expenditures for that service are greater than for any other governmental activity. The Postal Service ramifies into every nook and corner of the country and its insular possessions. It extends to the broad oceans of the world. Every hamlet, every mountain peak where Americans are living is reached by this wonderful service, even out to the frozen mountain peaks of Alaska. The Postal Service is the nerve center of public thought in America. It is the artery through which the lifeblood of American thought is carried into every home, and upon whether it is efficiently conducted or inefficiently conducted depends in a large measure the sentiment expressed by the people in respect to the entire Government. Service in this institution is more essential than politics. It makes no difference how much political manipulation the party in control may undertake through the Post Office

Department, if they do not give the people service they will not be approved. It makes no difference how little political manipulation may be practiced by the party in control, if service is given, that will meet the approval of the people. After all, service is the one thing that is essential if the approval of the people is to be expected.

We are spending \$575,000,000 a year in this one activity. This is the board of directors of the American corporation—the Nation. The President of the United States is the executive chief of the corporation. His Cabinet officers are the heads of departments to which are assigned the various functions of Government.

In a private corporation the executive and his heads of departments sit with the board of directors. They formulate the policies. In this corporation that is not so.

Mr. BLANTON. Mr. Chairman, will the gentleman yield for a question right there?

Mr. MADDEN. Yes.

Mr. BLANTON. Is this the gentleman's speech of acceptance.

Mr. MADDEN. In a private corporation it is the business of the board of directors to formulate plans that are to be carried out by the executive chief and to so formulate those plans and have them carried out as to produce dividends. Of course, that can not be expected in the corporation of which we are directors, but we can so conduct the activities of the Government through the action that we may take, if those acts are properly executed, as to in a measure pay what might properly be termed dividends in the way of a reduction of taxes and an improvement of the service.

It is true that a private corporation can be conducted more efficiently than a public institution like a government, because it is the business of every member of the directorate and every executive officer to see that every economy that it is possible to institute and every efficiency that can be inaugurated is put into effect, whereas in a public institution like this many things run at loose ends. What is everybody's business seems to be nobody's business. The Post Office Department, then, is the one great business branch of this Government. The man who presides over this department ought to be a man of the highest business experience; he ought to be a combination of kindness and firmness; he ought to be a disciplinarian; he ought to be a man who knows organization and who will so organize the force under his command as to bring every element into cooperation. We have an army of 300,000 men in this department, the greatest army in any Government activity, not even excepting the Army or the Navy. Every one of those men are civilians. They come into a service technical in its character. They are required to become experts in the line in which they are about to engage. They come in ordinarily with the expectation of giving their lives to the work. If they perform their duties as they ought to perform them, there can be no question about the efficiency of the conduct of this great department. Cooperation and correlation from top to bottom is essential to the success of the enterprise. Every man in this service should consider himself a public servant. That does not merely apply to the man at the bottom, but it should go to the man at the top, and every man from the top to bottom should work in harmony if we are to succeed. There never was a more loyal crowd of men in any activity in the world than the men in this service. They should be given every opportunity to cooperate. They can not be expected to cooperate if there is any indication of discrimination in their treatment. The treatment should be just; discipline, of course, should be enforced. The man at the head of the department should manage and he can so manage as to have the harmony which confidence promotes, and the people of the United States are looking forward to this character of harmony in this great institution, so that they may have the service to which they are entitled.

Service of the kind I have indicated will encourage the people to realize that one of the departments of the Government is functioning for them and if it so functions the work of the department will be reflected in the contented minds of the country. Every man who comes into the service should be made to realize that there is a chance for him, though he may enter at the bottom, to reach the top. Merit should be the sole reason for promotion in the Post Office Department. A record of achievement in whatever place the man may occupy should encourage him to believe that he will be recognized when the opportunity for advancement comes. There should be no favoritism played, no discrimination. To the extent that it can be done without detriment to the service seniority should be reckoned as the prime reason for promotion, but where a man occupies a place and it is known definitely that though he may be senior in his rank if he would not be qualified for an advanced position he ought not to get it. The success of the service should

be paramount, and service can be properly conducted only where all of the elements of merit, ability, and technical knowledge are recognized. We have 300,000 men and women in this department, I said. In the great cities of the country 75 per cent of those people work at night. There is no reason on earth why all this great percentage of all the employees should be called upon to work nights. If a large part of the night work were eliminated from the service, a very much better class of people would apply for positions in the Postal Service. They say that night work is essential for the movement of the mail. To some extent that is true, but there is no reason why the mail of to-day may not slack up for one single day and the work that might be done to-night be done to-morrow, and there would only be one day necessary to transform the scheme by means of which those men could be put into the day service. The business of the department is growing so rapidly nobody can keep track of it. The man at the head must have patience, he must be able to comprehend the new development necessary to conduct this system as a going business institution. I am in favor of civil service to the extent that it can be properly put into effect; and so far as the rank and file go, from the bottom to the top, I want civil service observed strictly, so that men who give their time and determine to devote their lives to the Government service may realize that they are entering upon a life work with the assurance that merit and merit only will be the medium through which they can advance.

Mr. STEVENSON. Will the gentleman yield for a question?
Mr. MADDEN. I will yield.

Mr. STEVENSON. Does the gentleman think it practicable to maintain the rule of civil service as to presidential postmasters that is now in effect?

Mr. MADDEN. We have 11,000 presidential postmasters. They are not under civil service except so far as the order of the President makes them so. The 42,000 fourth-class postmasters are under the civil service law, and I personally am not in favor, I will say frankly, of permitting one President, by Executive order to bind the incoming President as to the method of selecting men for important administrative positions. I believe that examinations should be had to fill all places for presidential postmasterships, and that the man who secures the place should be selected from one of the three highest.

Mr. KEARNS rose.

Mr. MADDEN. But I am in favor of ultimately passing a law to put all under it, and I am in favor of going further than that. I believe that every man in the service ought to have an opportunity to take examinations for postmasterships, and that the examinations should be confined to men in the service who have qualified by their experience and their work. But until the Congress passes a law, I am not in favor of permitting any presidential order to prohibit the incoming administration from selecting its own representatives in the way which it may be determined will produce the best results for the service. But when that is done, I am of the opinion that nobody who is unworthy should be selected under any circumstances for a postmaster's position, and that nobody except a man who is qualified and can prove his qualifications by his examination ought to get the place.

Mr. STEVENSON. Will the gentleman yield for another question?

Mr. MADDEN. Yes.

Mr. STEVENSON. Do I understand, then, that the gentleman is in favor of letting the new administration fill all the presidential offices and then cover them with the civil service, which will protect them, regardless of the administration that comes in thereafter?

Mr. MADDEN. I am in favor of doing exactly what the Democrats did when they came in. [Applause on the Republican side.]

Mr. STEVENSON. Will the gentleman yield?

Mr. MADDEN. I will.

Mr. STEVENSON. That is a very good example to follow, I will say to the gentleman.

Mr. MADDEN. Except that I would go further and make efficiency the standard and service the paramount prerequisite. And I would eliminate politics from the whole service altogether.

Mr. STEVENSON. Will the gentleman yield?

Mr. MADDEN. I will yield to the gentleman.

Mr. STEVENSON. The gentleman has no doubt noticed that in the different post offices in the country, especially the large offices, there has been a good deal of complaint about the promotions among the civil-service employees. I recall that we discovered on our investigation last year one town of about 300,000 people where everybody seemed to be satisfied that they had gotten a square deal from the postmaster in those

promotions; but in another town near by, of almost the same size, everybody seemed to be satisfied that they were discriminated against. Now, is there any way, in the gentleman's mind, whereby that kind of trouble can be avoided?

Mr. MADDEN. Yes. I think it ought to be the duty—and it should be rigidly enforced—of the Postmaster General to see that no postmaster in any city of the United States promotes men for politics or favoritism; that efficiency and merit should be the only standard by which promotion should be gained. [Applause.] Organize the department on this basis and there will be an enthusiasm on the part of the postal workers which will inspire them to work as one man, and the mail will be distributed, handled, dispatched, and transported by a happy and contented army of men and women which will be reflected in every home in the land.

Mr. AYRES. Mr. Chairman, I yield 15 minutes to the gentleman from Texas [Mr. EAGLE].

Mr. EAGLE. Mr. Chairman and gentlemen, I have in mind to speak to you briefly concerning the American citizen whom I regard as probably the greatest naval hero of the war, Lieut. Edouard Victor Isaacs. He was born at Cresco, Iowa, on December 18, 1891; he was appointed to the Naval Academy from the fourth district of Illinois; he graduated from the Naval Academy in 1915 as an ensign.

Lieut. Isaacs has received the medal of honor, with the following citation:

THE SECRETARY OF THE NAVY,
Washington, November 11, 1920.

SIR: In the name of Congress the President of the United States takes pleasure in presenting the medal of honor to Lieut. Edouard V. M. Isaacs, United States Navy, for services above and beyond the call of duty during the World War, as set forth in the following:

CITATION.

"When the U. S. S. *President Lincoln* was attacked and sunk by the German submarine *U-90* on May 21, 1918, Lieut. Isaacs was captured and held as a prisoner on board the *U-90* until the return of the submarine to Germany, when he was confined in a prison camp. During his stay on the *U-90* he obtained information of the movements of German submarines, which was so important that he determined to escape with a view to making this information available to the United States and allied naval authorities. In attempting to carry out this plan he jumped through the window of a rapidly moving train at the imminent risk of death, not only from the nature of the act itself but from the fire of the armed German soldiers who were guarding him. Having been recaptured and reconfined, he made a second and successful attempt to escape, breaking his way through barbed-wire fences and deliberately drawing the fire of the armed guards in the hope of permitting others to escape during the confusion. He made his way through the mountains of southwestern Germany, having only raw vegetables for food, and at the end swam the river Rhine during the night in the immediate vicinity of German sentries."

For the President.

JOSEPHUS DANIELS,
Secretary of the Navy.

After his graduation from the Naval Academy Lieut. Isaacs remained an ensign—being the lowest commissioned officer of the line, and in service on the battleship *Florida*—until our entrance into the World War in 1917, when he was immediately promoted to the rank of lieutenant and later senior lieutenant and assigned to duty on the transport *President Lincoln*. From that time, early in 1917, until his troop ship was sunk, on May 21, 1918, Lieut. Isaacs was continuously acting as senior lieutenant on the *President Lincoln* and in charge of her two "after guns."

Now, my reason for speaking of this worthy young man is that it happens that he was the only officer of the United States Navy who was captured by the Germans, and, with the spirit of a genuine American, and with the ingenuity of a Navy man, he refused to remain captive. He resolved to escape, and he did escape, from the most securely guarded of the German internment camps, and so from the point of view of the Navy he sustained every single one of its aspirations.

In the transportation of troops between the United States and France the *Lincoln*, on the return trip, when 400 miles west of Brest, was torpedoed at 9 o'clock in the morning by three different discharges. In 30 minutes the ship had sunk, with the loss of 3 officers and 23 men, and 700 of our men were left to the mercy of the seas, 400 miles from land. They had a few lifeboats and some rafts. Isaacs got upon a raft. It was the custom of the submarine commander to require the highest officer of a sunken ship to come aboard the submarine. Now, the highest officer of the *President Lincoln* was Capt. Percy Foote, who is now aid to Secretary Daniels, but being a man older in years than Lieut. Isaacs, the latter himself concluded he would pretend that Foote had been lost in order that he, Isaacs, a younger man, might be taken and subjected to imprisonment. So he declined to put off his uniform of an officer and to appear as a private, as he was importuned to do, and he himself got upon the submarine and reported that he supposed his commander was lost. In that way he was taken prisoner. The 700 men remained on their lifeboats and rafts from 9.30

in the forenoon till 11 o'clock at night, when they were rescued by two United States destroyers.

The German submarine remained some two days in that neighborhood and then passed along the west coast of Ireland, then to the north of Scotland, then south into the North Sea, then through the Skagerrack into the Cattegat, then through the sound separating Sweden from Denmark, then into the Baltic, thence to Kiel Harbor, thence through the Kiel Canal to Wilhelmshaven, a journey requiring 12 days. During that time Lieut. Isaacs was treated with consideration, and it was the only time from his capture to his escape, some five months later, when he was treated with any consideration or given food in any degree adequate. During that trip he learned several German naval secrets that were indispensably necessary to the American Navy and the allied navies about the German submarine.

By watching the navigation observations and charts and by remarks made by the submarine officers and crew he had learned, for instance, how the German submarines got from Wilhelmshaven out to sea. He regarded it as indispensably necessary that that should be known to our Navy and to the navies of the Allies. Therefore it was necessary that he should escape in order to communicate that to the Allies and to the American Navy. He had learned, by watching the charts, and the course of the submarine upon which he was a prisoner, another thing, and that was that the zigzag method of the American troopships had become so easy to the Germans that it was no longer efficacious, because that practice of going a certain number of miles at a uniform angle from a base line, and then returning forward to and crossing that base line at the same angle and to the same distance, meant always that they pursued a general base line; and the German submarines, after they had discovered that, instead of wasting a large number of hours and days in intercepting them by pursuing them exactly, came to know that if they would simply run upon the base line and wait ahead for awhile the American troopship would certainly come in that direction. He determined to communicate that fact to the admirals of the American Navy.

At Wilhelmshaven—which was the base of the German high seas fleet—he learned another thing, and that was that the German ships were all tied up and certainly out of the war except the submarines. That fact he desired to communicate. And there was yet another matter of tremendous import that Lieut. Isaacs had learned by June, 1918, and that was that from 2 to 5 German submarines were constantly rendezvoused in the bay off Copenhagen, where others, when ready, also came, and there waited till a German destroyer should come which was cognizant of the position of the shifting German mine fields, and which should be able safely to conduct the submarines through. With such information in his knowledge how his heart must have yearned to communicate it to his superiors in command! And he swore to escape or die trying.

He was kept some days in the naval barracks at Wilhelmshaven, questioned, starved, examined by the chief of staff—who spoke perfect English, having spent 13 years in England—and then was removed to Karlsruhe, in Baden, opposite Switzerland. Later he was removed from Karlsruhe to Villingen. On that journey he attempted to escape, by jumping out of the car window. In doing so he broke the arches of both his feet. He was captured again by his guards. He was beaten by them into insensibility with the butts of their rifles. They struck him with a rifle on the side of his head and made him permanently deaf in his left ear. One of his guards struck him with his gun over the left shoulder, and the shoulder blade was broken and healed without proper medical care, so that it is permanently weak. The starvation he endured for four or five months has broken his entire life except his exalted spirit. So that now, at the age of 29 years, having a wife and two little children, he must, on account of the disabilities he received when he risked his life in the service of his country, in this coming month of May be retired on the pay of a lieutenant, at only \$185 per month.

I shall not be a Member of the next House, and therefore can not be of final service to that worthy man, but I want to call his case to the attention of those who will be here and who will serve in the next Congress. He ought to be promoted to the rank of commander by a special bill, so that when he is retired—as he must retire by order of the Navy for physical disabilities and inefficiency by reason of these wounds—he can retire at \$285 a month, so that he and his wife and children may live in comfort. It is not right and it is not the wish of this mighty Nation for it to enjoy the fruits of that sort of sacrifice and then neglect him because physically he is disqualified for labor again in the Navy. That is the point now, and that is the object of this hasty recital that I am making.

After that they drove him about 5 miles to Villingen. There he stayed for three months. The food was so poor that he lost 30 pounds. One day he analyzed his food and found that it was made up of potato peelings mixed with water and sawdust and sand. They gave him that in the form of black bread every day; that and soup made out of the leaves of trees. He subsisted on that for three months.

Notwithstanding all that, his desire to go back and give out the information he had acquired and his unflinching courage induced him to go farther and effect his escape. In company with a young man from Georgia, another from Texas, and another from Massachusetts he escaped. Two of them got away. He traveled 120 miles from that camp of the Germans until he reached the border at the Rhine opposite Switzerland, although the Rhine was at the nearest place from the starting point only 17 miles away. He avoided bridges and every road, and he traveled only at night. He went through forests and hills and mountains. He subsisted for eight days only on vegetables that he got at night out of the gardens. Bloodhounds were set on his trail repeatedly, and he put pepper in his tracks from time to time in order that the hounds would give up the trail.

Finally he reached the bank of the River Rhine. The bluff at that point was 200 feet high. It was midnight. They had no overcoats, and very poor and thin clothing. It was the 13th day of October, and the frost and cold of a north Europe autumn chilled their exhausted bodies through and through. They had nothing to eat for eight days except what I have indicated. But in that condition, with 30 pounds of weight lost, Isaacs was actuated by the motive of service, the highest motive that ever uplifted human endeavor, and by the unquenchable flame of a patriotism as pure as the light of the stars. They determined to go across that river, and spent from midnight until 2 o'clock in the morning trying to find a way down that precipice—with the measured tread of German sentries audible below. Then Isaacs remembered that they had crossed, about 2 miles back, an ice-cold branch which flowed toward the river.

They made their way back to it. They stripped to the waist. They covered their bodies with mud in order that they might be of the same color as the leaves on the ground. They put upon the back of their necks their little supply of underclothing, which was the only thing they spared themselves, and they went 3 or 4 miles down that little ice-cold stream, immersed entirely except their heads, in that cold water, and finally they came to the Rhine. It was 700 feet across it. It was raging with the torrents of a hundred mountain streams pouring in their swollen icy floods. The Rhine at that point had a tide of 7 miles an hour and was a maelstrom of cataracts, boulders, tides, and eddies; but just across lay Switzerland and safety and service to country! So their brave hearts made the last supreme effort and, exhausted, clung to the west bank till strength came to drag lacerated, weary bodies to the peasant's welcome Swiss cottage. Then our consul in Berne, Switzerland, gave them passports to Paris, and Gen. Pershing promptly sent Lieut. Isaacs to Admiral Sims, and he told him his story; and Admiral Sims and the American Fleet and the allied fleet then knew for the first time of these major points that he communicated to them of the weakness of the German Navy.

If ever there was a hero, Lieut. Edouard Isaacs is one. In personal life as gentle as a woman, yet in spirit of the heroic mold. I do not believe that the American people will be satisfied unless you worthy gentlemen of this House or of the next Congress, which shortly will convene, see to it that a mark of recognition of heroism like that is given to him for his wife and children and his children's children to enjoy, and see to it that he is given his proper rank, so that when he is compelled to retire on account of his disabilities incurred in undergoing these sacrifices he may have at least a simple competence.

Every virtue of private life he exemplifies; every tradition of the Navy he upholds; every sentiment of courage, resolution, and chivalry he ennobles. He is a blessing to his family, a pride to the Navy, and an ornament to his country!

Gentlemen, I thank you. [Loud applause.]

Mr. AYRES. Did the gentleman from Texas consume all of his time?

The CHAIRMAN. The gentleman from Texas yields back one minute.

Mr. AYRES. I yield to the gentleman from Mississippi [Mr. Sisson] 15 minutes.

Mr. SISSON. Mr. Chairman and gentlemen of the committee, this subcommittee has made some very marked reductions in the estimates made by the Navy Department. I believe that

the bill, however, meets all of the real needs of the Navy at this time. In fact, many of the items in the bill are very liberal. I do not believe that this Congress or the American people can afford to permit the estimates of the so-called experts in the Army and the Navy to determine the size of the Army or the Navy, and any criticism that the experts asked for more is no criterion for our guidance. There are some people in Congress and some throughout the country who have great confidence in experts, and who would eliminate the representatives of the people entirely. In my judgment, there is nothing quite so dangerous to follow as an expert. He is always an expensive luxury, not only in private but especially in public life. The Navy people are for a big Navy, and if a man in the Navy did not want a large Navy and was not enthusiastic about the naval program, perhaps he ought not to be there, and the same is true of the Army; but the American Congress should always retain within itself not only theoretically but practically the right and the power to determine the size of the Army and Navy and how much the people should pay, and we ought to let the American people understand that we have yielded none of the power that we have under the Constitution, and that the Congress, and not the so-called experts, shall determine the size of the Army and the size of the Navy. If we do not do this, then the people are helpless, for when we take orders from others or surrender our judgment to others, then to that extent we fail as representatives of the people. Since this debate commenced I have heard on this floor intimations that the committee perhaps have done wrong, because Admiral So-and-so or some expert in the Navy Department has made such-and-such statements. In other words, a sentiment has grown up in the House that we should be bound by the statements made by those gentlemen who represent the departments. I think they are splendid gentlemen. I think they are men of honesty and integrity, but they get to be too enthusiastic; and the trouble is that, being educated at the expense of the Government, they have never been taught to consider the means whereby any matter is accomplished. They simply want to accomplish something and have never considered where the money is coming from. That is the trouble with the Army Engineer.

He may be and usually is an accomplished engineer, but he never gives a thought as to what it is going to cost, and that is natural, because he has always had a client who has had unlimited means, and that client only holds him responsible for the results accomplished by him and not for what it costs. But as the Congress of the United States represents the people and the taxpayers, it is our highest duty to consider the means with which we are going to accomplish these purposes. And for the first time in the history of America we are confronted with the problem of being able to get enough money to pay the expenses of the Government. Now, gentlemen of the committee, I do not know of any way in the world in which you are going to economize unless you cut; and when you cut deep enough to do any good, you have got to cut some nerves and some blood vessels and some bone. But you are not going to be able to accomplish much in the reduction of expenses unless you are willing to cut and cut deep. Somebody in the Government service somewhere has got to practice some self-denial. I take no sort of stock in the idea that the United States Government should respond to all the calls which are made upon it. For example, during the war, for the purpose of taking care of the physical increase in the cost of food which must be purchased by its employees, rather than put increases of salaries on the pay rolls of the Government Congress gave what is now known as a \$240 bonus. That has been going on for some time, but now the newspapers of this city and the employees of the Federal Government are beginning to contend that it is their right to keep the bonus. Why, the very purpose of giving the bonus and putting it in the form of a \$240 bonus was so that it could be eliminated when we got back to peace times.

Gentlemen of the committee, in 15 minutes I can not discuss the matters that are in my mind, but before my time expires I want to call the attention of the committee to the fact that the newspapers of the country for a time sought to destroy the present Secretary of the Navy.

When they were endeavoring to force the Secretary of the Navy to enter into the 10 per cent plus contracts which had been entered into by the Army he declined. They were demanding of him that he enter into 10 per cent plus contracts to buy materials, steel, and other things for the Navy. He declined to do it, and there was a propaganda against him that would have destroyed any man who was not extraordinary. I said to him one day, "Mr. Secretary, you are a good newspaper man. Why don't you answer these things?" He said, "Congressman, if I make good the people will know it, and if I do not make

good my answering it will not do any good, and if I get into a newspaper controversy I will not have time to attend to my duties."

This fact is not known, that Secretary Daniels was always the first man to get to his office in the morning. He would go down to his office between 7.30 and 8 o'clock; he would stay there and eat his lunch and frequently his dinner at his desk, and remain until 10 or 11 o'clock at night in order to get the day's work done; and it was not very long until all the people in the Navy Department realized that the hardest worked man in the Navy was the Secretary himself. This put the right spirit in the whole Navy. During that controversy over the 10 per cent contract Secretary Daniels stood foursquare to all the winds and to all the criticisms. He made mistakes, as he will tell you; but in my judgment, when the history of the Navy shall have been written, when politics shall have passed out of the question, the critics of the Navy Department will find that up until this day, so far as the history of the Navy in the past is concerned, Josephus Daniels has made the best Secretary that the Navy ever had, and he did it by hard work, by faithfulness to duty, and by supreme courage. [Applause.] Why, under the 10 per cent plus contracts the Steel Trust had a contract with the Army under which they paid \$98 a ton for steel. I will not have time to go into details as to how Mr. Daniels accomplished it, but he made a contract with them for \$56 a ton for steel. He did it by ascertaining what it cost to make steel, and after adding a good profit he said, "I will pay you \$56 for steel, and if you do not take it I will commandeer your plants." And the contracts that he made in reference to the construction of the battleships and all the other Navy craft were such that he not only saved millions and millions of dollars to the American people, but the contract was so drawn that it got the necessary speed as well as economy in material. He made the contracts himself for steel.

He made contracts with the labor organizations, all of which were the result of his own experience, and while he made no pretension to being an expert Navy man, he had gathered around himself young, verile, active men, so that when the time came, when the order was given and they were calling upon the Secretary to know when will you be ready to guard the ships and transports across the seas, he said, "Now, sir." There was not a demand on the Navy during that terrible struggle that the answer did not come hot and quickly, "Now, sir."

We transported across the seas over 2,000,000 soldiers, besides many hundred thousand civilians, and, with the exception of the life that was lost off the Irish coast, not a human being was killed by a German submarine. [Applause.] This ship lost opposite the Irish coast was not guarded by our Navy.

I want to tell you that the landlubbers in most of the districts of the United States, in interior Illinois, in interior Mississippi, boys who never saw a wave of the sea and never had been on the high seas, were not so much afraid of the Germans as they feared the dangers of the sea. More than all that, they were ready to face the Germans if they could land safely. Do you know, when the German submarines were plying the Atlantic, we held our hearts in our throats when the first transport left America going to France. What would have been the result, gentlemen of the committee, if that first transport going across had been sunk and the news had gone throughout the United States that the German submarine has sunk a vessel loaded down with American boys? You would have had an enormous amount of trouble getting mothers and fathers to have consented that their sons should cross 3,000 leagues of the sea between here and the shores of France. It was a trying hour, and the question was whether the Navy would be able to perform its duty.

History will repeat the story that the Navy was ready, and while the Navy in one sense of the word did not get the glory and renown that the men in arms did, in an unostentatious way it performed the duty and performed it magnificently, and without this efficiency victory would have been impossible. The American people ought to render thanks that we had such an efficient Navy at this time, because it was through the Navy that the precious lives of the boys were saved and preserved from the German submarines.

So although this criticism may have been hurled against him in the past, history in this country will write him down as the greatest Secretary of the Navy, because we hold men responsible in history for what they have accomplished and what has been accomplished under their administration.

Mr. LAZARO. Will the gentleman yield?

Mr. SISSON. I will.

Mr. LAZARO. I fully agree with the gentleman as to the wonderful result the Navy accomplished. My question is this:

I believe it is thoroughly understood that the future Navy is going to be an oil Navy. Is not that so?

Mr. Sisson. There is a controversy about it; I hope myself that it may be a Navy that will use oil for fuel.

Mr. LAZARO. What is the gentleman's opinion as to the future supply of oil for the Navy?

Mr. Sisson. The oil supply is, of course, at the present time almost unlimited. Nobody knows with any degree of certainty what the oil future will be; I do not know.

The CHAIRMAN. The time of the gentleman from Mississippi has expired.

Mr. KELLEY of Michigan. Mr. Chairman, I yield five minutes to the gentleman from Kansas [Mr. LITTLE].

Mr. LITTLE. Mr. Chairman, the gentleman from Texas [Mr. EAGLE] has eloquently presented the career of the one prisoner taken from our Navy by the Germans during the war. I hope his recommendations will be followed; they ought to be followed. During the year there was a graduate of Annapolis killed at Chateau-Thierry, a marine, and I have introduced a bill to erect a memorial to him at Annapolis, and I hope it will be done.

The story of the Navy bill is always an interesting one. Every time it comes here there occurs to my mind the old story of the Athenians who inquired of the oracle what steps they should take to protect themselves against the Persian hordes. It told them to use the wooden wall. Themistocles interpreted this to be the ships. He was right.

When the *Merrimac* sailed into Hampton Roads and sank the American fleet the wooden walls disappeared from history. Then came the great battleship to dominate the sea. Then came this war, with the submarines to destroy fleets of vessels, and the ironclads became just as obsolete as the wooden wall did at Hampton Roads.

It has always been a curious thing to those of us who are not "experts" to understand just why the Navy and the "experts" adhere to these ironclads. You can take \$40,000,000 and build a great battleship. You can take \$40,000,000 and build 40 submarines. The minute that the battleship knows that one of the submarines is out on the sea looking for it, it scuttles for home and safety. No nation can afford to set up \$40,000,000 worth of war equipment against \$1,000,000 without at least an even break, and, of course, there is no even break. The submarine is so much superior to the battleship that there is nothing left but retreat for the big ships. Therefore, why do we continually adhere to the demands of these experts and continue the construction of these ironclads? What we should do is to modernize our Navy and not fiddle away money, that is hard earned, upon battleships. We should spend it upon submarines, upon destroyers, upon the aircraft that really dominate the seas. Is it possible that these experts, these Bourbons of the Navy, are going to throw this great expense on us forever? Will not they ever find that when once a submarine has chased a \$40,000,000 battleship off the sea, that it is all over—that there is no further purpose in war for the battleship? The mere fact that only one graduate of Annapolis was killed in battle, actually in action in the war, and on land, at that, ought of itself to challenge official attention to the beginning of the end of any such expenditure of money. The mines along the German coast made that coast safe. We can build mines. They just told us a moment ago that when the one prisoner that the Germans secured from our Navy got to Wilhelmshaven he found that the battleships of the Imperial German Government had retired from the war, were bottled up there, and he showed great intelligence and courage in getting away to bring us that information. The Navy got that information, and why do they not assimilate it, why do not the experts take it to heart?

The British Fleet, the most wonderful fleet that ever was placed on the sea, was bottled up in a Scotch port practically throughout all of the war. The only time the great battleships met each other out there in the North Sea both fleets scuttled for home as quickly as they could get started, each thinking that it was being defeated. When the Germans found that the English had not claimed a victory, they hastened to claim one, and when the English found that nothing particular had happened they proceeded to claim the victory. There is no thing so valuable as common sense, and it seems to be the one equipment that the experts very rarely have. [Applause.]

The CHAIRMAN. The time of the gentleman from Kansas has expired.

Mr. AYRES. Mr. Chairman, I yield one minute to the gentleman from Louisiana [Mr. ASWELL].

Mr. ASWELL. Mr. Chairman, in the Belgian Army during the war three heroic soldiers were cited as the most heroic among the Belgians. Two of them died in action. The third, Lieut. Alfred Mathot, while commanding his company, had a

German airplane swoop down upon him and shoot away his arm. Thirty days after that he was back on duty. Representing the King and commander in chief of the army, Lieut. Mathot directed a party of American Congressmen to within 25 yards of the German trenches and had his automobile shot through. That distinguished heroic character, a mere boy of 17 when he joined the army, the only one now living of the three so cited for heroism, is in the gallery of this House, and I think it entirely fitting that he should be presented and given this recognition at this time. [Applause; Members standing.]

The citation is as follows:

CITATION AT THE ORDER OF THE BELGIAN ARMY OF LIEUT. A. M. MATHOT, FIRST GRENADIERS REGIMENT, BELGIAN ARMY.

A young officer having always greatest self-control combined with a high spirit of bravery and absolute self-sacrifice, heroically distinguished himself in the command of an advance post very much exposed in the sector of Neuport. The enemy launched a furious attack on the trenches occupied by his platoon, the attack accompanied by a bombardment of extreme violence. He was seriously wounded in the hand by a bullet shot from one of four airplanes firing on his men from a height of 150 feet. In spite of the loss of blood which greatly weakened him, he rallied his platoon and courageously led a counterattack. A shell exploded and shattered his arm. Carried to a dugout, he did not relinquish his command until after having dictated and sent an alarm message by carrier pigeon to his commanding officer.

His left arm amputated, he aroused universal admiration for his heroic abnegation.

DECORATIONS.

Chevalier de l'Ordre de Leopold (avec palme).

Chevalier de l'Ordre de St. Olaf de Norvege.

Croix de guerre (three citations).

Medaille de la victoire.

Medaille de la commemorative de la campagne 1914-1918.

Mr. Chairman, I ask unanimous consent to revise my remarks in the RECORD.

The CHAIRMAN (Mr. DALLINGER). The gentleman from Louisiana asks unanimous consent to revise and extend his remarks in the RECORD. Is there objection?

Mr. McCLINTIC. Mr. Chairman, he did not ask to extend them; he merely asked to revise them.

The CHAIRMAN. Does the Chair understand the gentleman to object?

Mr. McCLINTIC. He did not ask to extend his remarks; he asked to revise them.

The CHAIRMAN. The gentleman from Louisiana asks unanimous consent to revise his remarks. Is there objection?

There was no objection.

Mr. AYRES. Mr. Chairman, I yield nine minutes to the gentleman from Massachusetts [Mr. TAGUE].

Mr. TAGUE. Mr. Chairman and gentlemen of the committee, it is not my purpose to discuss the merits of this bill at any great length, other than to show to the House that some of the statements made in the record of the hearings are not as they should be, so far as they concern the navy yard in Boston. I realize that one of the hardest tasks of this House falls upon the shoulders of the Committee on Appropriations, and, therefore, what I have to say is in no way a criticism of the committee but rather to let them know that some of the statements made in the hearings are not at all in keeping with the facts.

One of the crying needs of the navy yard in the Boston district is the repair of the piers in that yard. For several years the officials at the navy yard have been asking that something be done in the way of repairs in order to avoid any accident which would endanger the life of the workmen in the yard. This year, more especially than any other, the officials at the Boston Navy Yard have pleaded with the Navy Department, asking that an appropriation be set aside to repair the piers. I notice in the hearings that the chairman of the committee asked Admiral Parks whether or not these repairs could not wait for a while longer, and in the course of his remarks Admiral Parks stated that he thought they could, but further stated that "the commandant of the yard had expressed himself to me rather forcibly, and does not agree with me on that point." The facts are these, and I believe the members of the Committee on Naval Affairs who visited that yard and made an inspection a short while ago will bear me out in what I say: There are 10 piers at the Boston Navy Yard, and of the 10 piers the report made by the man in charge says that 6 are in such condition that it is dangerous at any time even to drive loaded trucks onto the piers, to say nothing of the great carrying cranes which are necessary in order to perform the work. The report says:

If this is not done, we will have the anomaly of a navy yard with complete dry-dock facilities for vessels of any class, shop equipment to carry on work of practically any magnitude, but no piers alongside of which large vessels can lie to have repairs or alterations economically prosecuted.

Coming from that district, I took it upon myself to look over the situation. I have consulted not alone the officers of the yard but also with some of the master workmen, who have veri-

fied the reports made by the officers of the yard. I had hoped that a sum sufficient to do this work would be included in this bill. I am certain that the expenditure at this time would save the Government money and would protect the lives of the workmen. Admiral Parks was questioned about building of ships at the navy yard, and the question asked by the chairman of the committee was:

Mr. KELLEY. Are they building any ships there now?

Admiral Parks replied to that as follows:

Admiral PARKS. I do not think they have any ships under construction there at all.

Mr. Chairman, I can not conceive how any man in authority would make that statement, because to-day not only are they repairing a great number of ships but they have just completed the *Neches*, and the *Pecos* is on the ways and will be launched within a few months. The molds have been made and the steel has been cut, and within three or four months they will lay the keel of another ship, the *Admiral Whitney*.

When the reorganization of the yards took place before the war, the Navy Department decided that the Boston Navy Yard would be used as the great repair yard of the Atlantic coast and for the construction of the smaller ships, such as colliers, hospital ships, and transports, which they are doing and have been doing—not only building them but saving the Government thousands of dollars below the estimated costs, and below the bids submitted by outside corporations.

As an instance, the *Brazos* was built for \$292,000, while the estimates were \$320,000. Her sister ship, the *Neches*, which has been launched, was built for \$253,000, or a saving of \$38,000 over her sister ship. The *Pecos* is about completed, and it will show a saving of more than \$25,000 below the cost of the *Neches*, which shows to my mind the necessity of keeping a force at hand of trained mechanics who can do the work of the Government and have it done in an economical way. Now, another thing which is misleading is the statement of the number of men who worked and of the force that has been reduced at the yard. Upon a question asked by the chairman he was told that in December, 1919, there were about 6,585 men, and in June, 1920, 5,706, showing there had been a reduction of 879 men. The facts are, according to the figures given to me by the Chief Clerk of the Navy Department, that in April, 1917, before the war, there were 4,200 employees; in November, 1918, there were 9,900 employees, and on February 1, 1921, 5,460 men, showing a reduction of 4,440 men. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. AYRES. Mr. Chairman, I yield to the gentleman from Tennessee [Mr. Davis] eight minutes. [Applause.]

Mr. DAVIS of Tennessee. Mr. Chairman and gentlemen, to those members of the war investigating committees who still persist in continuing their expensive and useless investigations of how we won the war I respectfully commend the reading of the editorial appearing in the Washington Post on the 5th instant under the title of "America's war record." This editorial is especially significant at this time in view of the close personal and political relationship between President-elect Harding and the proprietor and editor of the Washington Post, who was personally selected by the President elect to act as chairman of the inaugural committee, and by reason of the further fact that the Washington Post, having qualified with a 100 per cent grade in its hatred of President Wilson and its support of the Republican Party, is even now recognized as the "court journal" of the incoming administration.

The editorial in question in part declares:

Charles G. Dawes, who was a brigadier general during the war in charge of the procurement of supplies for the American Expeditionary Forces in France, proved an interesting and rather spectacular witness before the House committee investigating the war.

Mr. Dawes contributed materially to the facts gathered by the committee in its long pursuit of the war trail.

With all the emphasis at his command Mr. Dawes denounced the obvious partisanship which inspired the investigating committee. "Don't forget that it was an American war," he told the members; "not a Republican war or a Democratic war, and the record of the glorious work of our Army will live hundreds of years after your committee is dead and gone, forgotten." In this admonition the witness voiced a sentiment which has grown throughout the country during the past year, for the belief has spread that the investigation was not so much for the purpose of gathering facts which would serve to prevent a repetition of the mistakes of the war as to serve partisan purposes.

Of course, every Member of Congress and all other informed persons have all along known that the purposes of these investigating committees were as stated by Gen. Dawes and thus admitted in said editorial, and, as further indicated, the general public have been rapidly awakening to a realization of that fact. A member of one of these committees said on the floor yesterday that he was not willing to admit that such partisanship had been carried to an extreme. Most of those

Republican politicians and papers who, although fully aware of the purposes of such investigations, yet for political purposes approved same, lost interest immediately after the recent election; but this does not seem to have been sufficient to deter the partisan investigators. However, when these muckraking investigations and persistent efforts to tarnish the glory and besmirch the honor of American arms reach such a nauseating stage that the Washington Post rebels, as it does in this editorial, and when the distinguished chairman of the Committee on Accounts, loyal Republican though he is, states on the floor of this House, as he did yesterday, that these investigations had involved an abominable waste of public money, and that he had not seen any concrete benefit result therefrom, it is certainly time for these investigators to reflect. It is about time for the fact to break in upon them that not only are their purposes generally recognized, but that these investigations have even lost their value as a useful advertising medium; at least, the people should not be required to continue paying for such an expensive personal publicity bureau.

The editorial aforesaid further states:

Candor and fairness compel the admission that the greatest mistake of the war was unpreparedness, and that is a fault chargeable to the American people and not to any party or individual. It is water over the wheel now, and nothing is to be gained by enlarging upon the subject, but the truth is that the people of this country, not desiring war and not expecting it, failed to take the steps which wisdom dictated should have been taken against the possibility of war.

Mr. KING. Will the gentleman yield?

Mr. DAVIS of Tennessee. I have not the time to yield now. If I get through in time I will be glad to yield. This editorial proceeds:

Considering the immensity and complexity of the task before them, the individuals who organized the United States for war did very well, indeed. The Army itself, once organized, accomplished glorious results. The transportation of the Army overseas was a splendid feat, quite beyond the imagination of the enemy, and constituting the decisive factor of the struggle. Without the United States reinforcements the war probably would have gone against the Allies. The best-informed spokesmen among the Allies are authority for this statement: First, in getting the troops across; and, second, in the actual delivery of strokes against the enemy, the United States decided the issue. Nothing succeeds like success; and the fact that success was accompanied by extravagance, waste, and mistakes and minor lapses of all kinds does not obscure the glory of victory.

Not only do "the best-informed spokesmen among the Allies" concede the decisive part played by the United States in winning the war, but it is equally conceded by the highest German authorities. In fact, as reliable an authority as Princess Bentinck, a niece of Count Bentinck, in whose castle at Amerongen ex-Kaiser Wilhelm has been domiciled since the war, in a recently published article states that the ex-Kaiser himself bitterly blames President Wilson for the fact that he—the Kaiser—had been dethroned; this belief doubtless being connected with the fact that Mr. Wilson was President of the country and Commander in Chief of the Army and Navy which contributed so materially toward the defeat of Prussian arms and the overthrow of the Hohenzollern dynasty as well as President Wilson's masterly method of impressing the German people that our fight was not with them, but with Prussianism and Kaiserism. This same belief found concrete and forceful expression in this country in the recent election, when millions of Germans voted to defeat the party which they held responsible for the defeat of Germany and the dethronement of the German Kaiser.

The editorial under discussion concludes as follows:

Gen. Dawes is right. The record of the American Army during the war will endure for centuries and the memory of the mistakes will fade. The people of the United States, in our opinion, do not criticize the present administration for the errors committed during the war. The public resentment was directed against the mistakes of peacemaking not the mistakes of war making. If a peace as successful as the victory had been accomplished the United States would have retained the admiration of the world, which it gained by its exploits during the war.

Gen. Dawes is an eminent and loyal Republican. He was seriously considered for Secretary of the Treasury in President Harding's Cabinet that it was widely published that he had probably been slated for that post. As the Washington Post says, "Gen. Dawes is right." Almost without regard to political complexion the newspapers and public generally have applauded the testimony of Gen. Dawes. The position taken by him and the views now expressed by the Washington Post are identical with the position all along taken by the Democrats in Congress and out, and stated by them during the recent campaign, although in striking contrast with the position taken at that time by the partisan Republican press and spellbinders.

Let us for a moment revert to the concluding words of said editorial:

If a peace as successful as the victory had been accomplished, the United States would have retained the admiration of the world, which it gained by its exploits during the war.

The conclusion stated by the Post in this regard is fully as correct as are its statements about the conduct of the war. The realization of this fact is likewise rapidly spreading, and the time will inevitably arrive when President Wilson and the Democratic Party will be fully vindicated in the eyes of America and the world in their earnest efforts to accomplish a successful peace in keeping with our success of arms. Time will tell those who do not already know that those responsible for the defeat of successful peacemaking were the enemies of peacemaking and not its friends. [Applause.]

Mr. KING. Will the gentleman now yield?

The CHAIRMAN. The time of the gentleman has expired.

Mr. KING. Has it entirely expired?

The CHAIRMAN. Yes.

Mr. KING. Very well.

Mr. AYRES. May I ask the chairman of the subcommittee—

Mr. KELLEY of Michigan. I have only one more speech, and I reserve that—

Mr. AYRES. I have only one on this side. How much time have I remaining?

The CHAIRMAN. The gentleman has 18 minutes remaining.

Mr. AYRES. I yield that time to the gentleman from South Carolina [Mr. BYRNES].

The CHAIRMAN. The gentleman from South Carolina is recognized for 18 minutes.

Mr. BYRNES of South Carolina. Mr. Chairman and gentlemen of the committee, I make no pretense of being a naval expert. The only information I have about the details of the Navy Department is the information I have secured from time to time during the last Congress as a member of the subcommittee on deficiencies. I am no longer a member of the subcommittee on deficiencies. As a member of the naval subcommittee I have listened with the greatest interest to the representatives of the various bureaus of the departments presenting their estimates, and I have come to the conclusion that in this bill we have a bill which provides for an effective Navy at the least possible cost to the taxpayers of America. Some gentlemen have seen fit to criticize not the bill, but the manner in which it was prepared. My good friend from Illinois [Mr. WILLIAMS] said that he thought it an excellent bill, but objected to the manner in which it was prepared. My idea is that the people of America will insist on having an effective Navy at the least possible cost, and they care not who prepares the bill. Other gentlemen go further. They charge that the Appropriations Committee failed to consider the bill as it should have been considered in the opinion of these gentlemen. The fact is that throughout the hearings on this bill the gentleman from Michigan [Mr. KELLEY] has treated the minority members with the greatest courtesy, consulting them at all times as to every vital principle of the bill, as to every important appropriation, and the subcommittee was unanimous in reporting this bill. The whole committee, after considering it and after discussion and one or two motions to change provisions of the bill, unanimously reported it. The gentleman from Illinois [Mr. BREITEN], unlike his colleague [Mr. WILLIAMS], criticizes not only the manner in which the bill is prepared, but criticizes the bill itself upon its merits. He says that it does not provide sufficient appropriations to adequately provide for the Navy. The gentleman from New York [Mr. HICKS], another member of the Committee on Naval Affairs, regards the appropriations as not sufficient. My good friend from Tennessee [Mr. PADGETT] joins the chorus and says practically that there is no service in the entire Navy for which we have appropriated a sufficient sum of money. The only conclusion that the House can reach is that their objection is that by reason of this bill being reported from the Appropriations Committee it appropriates a much smaller amount than would have been appropriated had it been reported from the Naval Committee. Well, we admit it.

It was our purpose to reduce it, for unless this Congress, two years after the war, should come in here with a bill appropriating less money than was provided during the war and the year after the war, we should be driven out of public life. [Applause.] The war is over and we must let the Army and the Navy Departments know that it is over and that we must take at least some steps toward a reduction in our expenditures.

Mr. SUMNERS of Texas. Will the gentleman yield for a brief question?

Mr. BYRNES of South Carolina. Not now, but at the end of my statement, if I can. What does my friend from New York [Mr. HICKS] say? He says that this report is misleading in that it gives the total amount that is chargeable to aviation. It is the most remarkable complaint I have ever heard in my

life. He says we should have compared it with the figures contained in the report made by the Naval Committee in the last Congress, which did not give the total amount chargeable to aviation services. We accept the full responsibility. When the officials of the department came before the committee we told them to prepare a statement giving to the House the total amount which was chargeable to aviation, so that when we reported to the House we could say to you, "Here is every dollar that is spent for aviation," and not come in here and tell the House we are spending one-half the amount that we are actually spending on aviation.

And my good friend from Tennessee [Mr. PADGETT] does not like the report. I love my good friend from Tennessee, but he made a most remarkable speech yesterday. He says the report is misleading, and he took about 20 minutes and about a page of the RECORD to tell you that the figures are all wrong. Why? Because he says the table in this report does not include the deficiencies that were appropriated for in the bill that passed the House yesterday.

Now, take the first column of this table. I hope some of you have it before you. Look at it. It says "Appropriations for 1921 in the naval, deficiency, and other acts," other acts, not bills. This report is not a stump speech. It is a report to the House for the information of the House, and the heading to that column has appeared in every table that has been presented to you in reports accompanying appropriation bills, and it purports to tell the House the exact amount appropriated for the current year. And that statement is right—absolutely right. But the gentleman says if we had put in the deficiencies for this year it would have shown that there was a greater reduction in the appropriation. Had we included in this column representing the amount appropriated in acts any amount contained in the deficiency bill which has not become an act, it would have been misleading.

My good friend from Tennessee has always been a great admirer of Secretary Daniels. He has always relied upon him for information as to the Navy Department, but for some reason that I do not know he says that when this bill was reported, instead of going to Secretary Daniels he went to the heads of the various bureaus of the Navy Department and asked them what the effect of these reduced appropriations would be on their respective bureaus.

And, of course, they all said in unison that it would absolutely destroy them. But we must make due allowance for the enthusiasm of a bureau chief as to the importance of his particular work. They said last year that if we did not give them \$679,000,000 they could not function. We gave them only \$500,000,000 and they have functioned. I wish that my good friend had consulted Secretary Daniels, who would apply the common sense of a civilian to the requests of the bureau chiefs, determining the relative importance of the activities of the various bureaus, and he never would have made the statement.

Now, what does he say? He says that Gen. Lejeune states that we did not provide for clothing here for the Marines, only enough for one-half of the number. We have a statement in the hearings from Gen. McCawley, of the Marine Corps, who is in charge of the reserve stock. We asked him how much clothing he had on hand. If you will look through the table inserted by him in the hearings you will find he has on hand coats, summer, field, that will last 29 months from December 1, 1920; woolen drawers that will last 44 months; woolen shirts that will last 45 months. His supply of clothing in the item of which he has the smallest stock—belts and woolen socks—will last for 14 months from December 31, 1920, so that as to many items of clothing they now have enough to last for the next fiscal year. As to every item they have enough to last at least six months.

I suspect the truth is that the clothing factory in Philadelphia can not run at full time unless they manufacture more clothing. But it is our business to cause them to reduce the expenditures there, as long as we have this large stock of clothing on hand.

My good friend says that we have not appropriated enough to feed the boys. That gets close to us, because nobody wants to appropriate less than enough to feed the boys. He says that we have reduced the ration down to 50 cents, while it was 68 cents last year. That is true.

The ration is 68 cents, but in 1918 it was only 48 cents and in 1919 it was only 55 cents. The 68 cents now is due in part to the fact that the provisions being used were purchased during the war at high prices. But the cost of provisions is coming down. And let me tell you this, that for the Army you appropriated only 42 cents, and this is the greatest margin that has been made in all the history of the two departments. The ration

for the Navy must be higher, but you are by this bill asked to appropriate 50 cents for the Navy, and it is as great a margin, in fact, greater than was ever made before in behalf of the Navy.

Now, the gentleman from Tennessee says that the enlisted men have been reduced to such an extent that we can not keep enough ships in commission. When you determine the enlisted men in this naval bill you determine one of the fundamentals in the bill, the other being the amount of new construction. We to-day have 135,000 men in the Navy. The gentleman from Tennessee says you have got to allow 3,500 for the Hospital Corps and for 5,000 in the training schools of the country during the next year. We have 135,000 men, and we are going to make them reduce the personnel to 100,000. In reducing it you can very well see we are going to have no recruits unless it be in the last two or three months of the year, and therefore are not going to have those training schools running, and that there is no use of counting on 5,000 men being sent to the training schools. He says that the assignment to special services will reduce the number available for ships to 86,500 men. Well, Admiral Coontz says if given 100,000 men he will assign only 75,000 to ships. The British Navy to-day has 105,000 men. They keep in commission 20 battleships as against the 17 that Admiral Coontz proposes to keep. If they with 105,000 can keep 20 battleships in commission, the American Navy with 100,000 should be able to keep 17 in commission. They have 125 destroyers in commission, but we figure this year on keeping only 100 destroyers. The only difference is in the submarines. They keep 41 submarines in commission and we intend to keep in commission 103.

My good friend from Tennessee quotes from Admiral Washington to intimate that we are about to ruin the Navy by reducing the personnel to 100,000 men. Admiral Washington is not Chief of Operations. Admiral Coontz is. And what does he say? Turn to page 65 of the hearings, and there you will see that he says that with 75,000 men he is going to keep in commission 384 ships.

Now, how about the British Navy? Great Britain has a great many more ships to-day than we have, and yet she has only 283 ships in full commission and 18 with reduced complement, making the total number of British ships in commission 301. Admiral Coontz, the Chief of Operations, says that with the 100,000 men he will keep in commission 384 ships, or 83 more than Great Britain has in commission to-day. If Great Britain, with so many more ships than we have, is satisfied with having only 301 in commission, I do not see why it is necessary for us to keep a larger percentage than will be possible under this bill. Instead of taking Admiral Washington's statement, I quote from Admiral Coontz. And let me read what Secretary Daniels says in reference to the reduction to 100,000 men:

However, we can keep in commission all of the late dreadnaughts, half of the destroyers, others of the best ships, and place the other destroyers in a reserve state, enough to keep them from deterioration; and by close economy all along the line we can run the Navy in a way to keep the latest ships manned by 100,000 men.

When this was read to my good friend from Tennessee yesterday, he said: "Yes; but the men actually in charge of these matters say they want more." Of course they do; but if we are going to appropriate all that the heads of the various bureaus want, no treasury on earth would be able to satisfy the demands.

Now, as to steam engineering, my friend from Tennessee read a letter from Admiral Griffin, I think it was, to the effect that the appropriation was not sufficient for steam engineering. They asked for \$2,500,000 for new tools. During the war we bought \$250,000,000 worth of tools, and if they have not thrown them away, they ought to be able to get along with what they have without asking for \$2,500,000 more. In reducing this estimate we thought the reduction of the cost of materials and the reduction in the cost of labor during the next year would make it possible. The rate of wages in these yards is fixed in accordance with the prevailing standard of wages for like labor in the neighborhood, and the cost of labor, as well as the cost of other things, is coming down, because only a few days ago a petition signed by 10,000 men in the employ of the New York Shipbuilding Co. at Camden stated that the men agreed to accept a 20 per cent reduction in wages if we should appropriate sufficient money to carry on that work. If there is a reduction in the prevailing wage, it will be followed by a reduction in the cost of construction, enabling us to reduce the appropriation to \$20,000,000.

Then, my friend from Tennessee read a statement from the admiral in charge of armament, and he said we would be absolutely ruined because we did not appropriate enough for new construction. Now, as to new construction, what is the situation? We are providing for new construction \$90,000,000,

but they are going to have a balance on hand of \$15,000,000, which will make available \$105,000,000 for new construction during the next fiscal year. This officer says he will have to make adjustments with the contractors, because of this reduction from his estimates, I presume because they will not be able to run their full organizations. What he means is this, that with lessened private work the contractors will want to put all of their organizations on Uncle Sam's work, and failing in this will claim damages. They may make a claim, but I venture to say they will not receive any damages from the United States Government on a claim of that kind. The fact is, we have appropriated more for new construction for the next fiscal year than we have spent for new construction this year. We have paid on account of new construction 60 per cent of the total cost and should complete the 1916 program, but there is no necessity for completing this 1916 program in two years. Disarmament schemes are proposed. I hope the President will call a conference for the purpose, but until there is an agreement between the nations we can not disarm. This program has now progressed so far toward completion that it is cheaper to complete than to cancel. [Applause.]

The CHAIRMAN. The time of the gentleman from South Carolina has expired.

Mr. KELLEY of Michigan. Mr. Chairman, I yield the balance of my time to the gentleman from Wyoming [Mr. MONDELL].

The CHAIRMAN. The gentleman from Wyoming is recognized for 10 minutes.

Mr. MONDELL. Mr. Chairman, I want to congratulate the committee on this bill. Some gentlemen have a disposition to inquire into the matter of its genesis and drafting and initial consideration, but after all the proof of the pudding is yet to be found in the eating of it, and not in the consideration or discussion of the merits of the cooks. What we are interested in primarily is the legislation, not the manner of its preparation.

We are laboring under some difficulties in the preparation of all of the appropriation bills. We have adopted budget reform in the House, and have not, in conjunction with that, the benefit of Executive budget reform, so that swollen estimates must be considered by newly organized subcommittees without the aid that eventually will come to our appropriating committees as we build up the corps of experts under the Executive budget, whose business it will be to inform the committees of Congress of the facts of expenditures made or contemplated from a legislative viewpoint, as those representing the bureaus and departments will represent them from a departmental and executive viewpoint; and naturally in this situation everything is not as all of us might wish it to be.

Nevertheless, and notwithstanding these handicaps, I think all admit that the bills so far reported, so far as their character and substance are concerned, have been well drafted, carefully considered, and drawn with due regard for economy. Whose fault is it, if there be any fault, that just at this time and under the new dispensation some of the items are subject to points of order? Is it the fault of the new and enlarged committee? Not at all. If there be any fault—and I do not say that there is any—it is the fault of the committees that heretofore have had these bills in charge, which committees have legislative authority and could have made every item on their bills proof against a point of order; but they have not seen fit to do so, and so these committees—Indian, Foreign Relations, Army, and Navy—have year after year been coming before the House with bills subject, some of them, to innumerable points of order, and the House has been very fair and reasonable with them.

Where these items were commendable, where they conformed to the judgment of the House and were believed to be proper and right and reasonable, the House has allowed them to go into the bill and to remain in the bill, notwithstanding the fact that they were subject to points of order. Now, I am inclined to think that at least the members of the old committees who have lost their appropriating authority are under obligations to be as fair to the new committee as the House was to the old.

Mr. HAYDEN. Will the gentleman yield?

Mr. MONDELL. I have only 10 minutes. I am sorry I have not more time. We anticipate that in the new Congress the legislative committees will draft and present for the consideration of the Congress bills covering the activities of the departments over which they have jurisdiction. When that is done those bills will be promptly considered, and when the Congress has considered them and has passed judgment upon the limitations of the authority of the appropriating committees, then it will not only be proper, but it will be the duty of every one of

us to make points of order when the appropriating committee exceeds the authority that the House has given it. But until we have had time to do that, it does not seem to me that it is kindly or reasonable or of good report or justifiable for members of committees that have not heretofore protected their bills against points of order to make points of order now against the very language which they have carried on their bills year after year without protest from the House.

Mr. BRITTEN. Will the gentleman yield for a question?

Mr. MONDELL. If I have time.

Mr. BRITTEN. Does the majority leader of the House desire Members of the House to follow the rules which he and others have put through, or does he desire them to ignore the rules which he and others have put through?

Mr. MONDELL. Every Member of the House must be guided by his own sense of that which is right and proper under his oath; but I have said as a matter of opinion—gentlemen, of course, are not obliged to agree with my opinion—I have said and I believe that in the situation in which we now find ourselves, members of the committees that have not heretofore protected their bills from points of order should be the last to raise points of order against items that have been in the bills year after year, and which the House in its good judgment and out of its sense of fairness has allowed to remain in the bills. I say to these gentlemen that no one will be more active than I shall be, so far as my influence may go, in insisting in the new Congress that the legislative committees shall assert their jurisdiction and that the House shall pass upon their measures; and having passed upon them, that the appropriating committees shall remain within the limitations that have been fixed. One gentleman, who yesterday gave warning that he would make points of order against every item in this bill that was subject to a point of order, suggested that if that was done the item would then go to the Naval Committee. The gentleman is not accurate. If he will stop to think about it, he will see that that will not be the result at all. If the item is subject to a point of order—and in my opinion there are very few items in this bill that are, because the bill follows exactly the phraseology of the bill for years past; but if an item went out on a point of order, an item on which we are all agreed—and we are all agreed, practically, on the items of this bill—it would not go to the Naval Committee. It would simply be placed back in the bill in another body, and then the House would be called upon to determine by a vote whether or not the item was one which should remain in the bill.

The CHAIRMAN. The time of the gentleman from Wyoming has expired. All time has expired. The Clerk will read the bill for amendment under the 5-minute rule.

The Clerk, proceeding with the reading of the bill, read as follows:

PAY, MISCELLANEOUS.

For commissions and interest; transportation of funds; exchange; mileage to officers of the Navy and Naval Reserve Force while traveling under orders in the United States, and for actual personal expenses of officers of the Navy and Naval Reserve Force while traveling abroad under orders, and for traveling expenses of civilian employees, and for mileage at 5 cents per mile to midshipmen entering the Naval Academy while proceeding from their homes to the Naval Academy for examination and appointment as midshipmen; for actual traveling expenses of female nurses; actual expenses of officers while on shore patrol duty; hire of launches or other small boats in Asiatic waters; for rent of buildings and offices not in navy yards; expenses of court-martial, prisoners and prisons, and courts of inquiry, boards of inspection, examining boards, with clerks, and witnesses' fees, and traveling expenses and costs; expenses of naval defense districts; stationery and recording; religious books; newspapers and periodicals for the naval service; all advertising for the Navy Department and its bureaus (except advertising for recruits for the Bureau of Navigation); copying; ferriage; tolls; costs of suits; commissions, warrants, diplomas, and discharges; relief of vessels in distress; recovery of valuables from shipwrecks; quarantine expenses; reports; professional investigation; cost of special instruction at home and abroad, including maintenance of students and attachés; information from abroad and at home, and the collection and classification thereof; all charges pertaining to the Navy Department and its bureaus for ice for the cooling of drinking water on shore (except at naval hospitals), and not to exceed \$250,000 for telephone rentals and tolls, telegrams, and cablegrams; postage, foreign and domestic, and post-office box rentals; and other necessary and incidental expenses: *Provided further*, That the sum to be paid out of this appropriation, under the direction of the Secretary of the Navy, for clerical, inspection, and messenger service in navy yards and naval stations, for the fiscal year ending June 30, 1922, shall not exceed \$750,000, and for necessary expenses for the interned persons and prisoners of war under the jurisdiction of the Navy Department, including funeral expenses for such interned persons or prisoners of war as may die while under such jurisdiction, and for payment of claims for damages under naval act approved July 11, 1919; in all, \$3,500,000.

Mr. BLANTON. Mr. Chairman, I reserve a point of order, in order to ask the gentleman from Illinois a question.

Mr. BRITTEN. I reserve a point of order.

The CHAIRMAN. The gentleman from Texas and the gentleman from Illinois reserve points of order on the paragraph.

Mr. BLANTON. I should like to ask the gentleman from Illinois a question. I do not intend to interfere in any way with the purposes and intentions of the gentleman from Illinois. I do not want to conflict with him in any way. I know that he is not a man easily intimidated, but I want to know whether or not the squelching speech made by the majority leader [Mr. MONDELL] has in any way intimidated the gentleman, so as to prevent him from carrying out his purposes and intentions?

Mr. BRITTEN. I presume it has, quite materially.

Mr. BLANTON. Then I will be on the watch to help my friend.

Mr. BRITTEN. I am afraid that my actions from now on will indicate that that is the fact. However, Mr. Chairman, I have reserved a point of order on the paragraph, and I would like to suggest that the paragraph is made up very largely of legislation which has been attached to appropriation bills in the past. Some of these items are subject to points of order, and some, I believe, are not; but if the Chair will permit me, I should like to make a point of order against the language in line 14, page 2:

And for mileage, at 5 cents per mile, to midshipmen entering the Naval Academy while proceeding from their homes to the Naval Academy for examination and appointment as midshipmen.

The CHAIRMAN. The gentleman from Illinois makes a point of order upon the language indicated.

Mr. MADDEN. A parliamentary inquiry, Mr. Chairman. Is it competent for a Member to make a point of order after debate has been had?

Mr. BRITTEN. I reserved the point of order before debate began.

The CHAIRMAN. The gentleman from Texas and the gentleman from Illinois reserved points of order.

Mr. POUL. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. That motion is not in order, the gentleman from Illinois [Mr. BRITTEN] having made a point of order upon the language.

Mr. BRITTEN. That language was added to an appropriation bill on July 11, 1919.

The CHAIRMAN. The gentleman will state his point of order.

Mr. BRITTEN. That language was added to the annual appropriation bill July 11, 1919. It is legislation pure and simple, and properly belongs with the Committee on Naval Affairs, and I therefore make the point of order against that language.

Mr. KELLEY of Michigan. I do not think that the language indicated by the gentleman from Illinois is subject to a point of order for this reason: The Secretary of the Navy, under general legislative authority, as the Chair will find in section 1515 of the Revised Statutes, has authority to regulate the place of holding examinations for admission to the Naval Academy.

Now, if the Secretary of the Navy under regulations which he can make under that statute fixes the place of holding examination at the home of the candidate or the applicant, then the applicant would be an officer immediately following his examination and appointment at his residence. Then, under the general law governing mileage and traveling expenses of officers he would be entitled to his mileage from his home to Annapolis, traveling under orders from the Secretary.

This statute simply fixes it so that the Secretary can regulate the place of holding the examination. It is more convenient for the Naval Academy to hold it at Annapolis, and so under that regulation the Secretary of the Navy says: You go to Annapolis and take the examination there, and if you pass and are appointed, your traveling expenses will be paid from home just as they would be paid if the examination was conducted at your home.

The authority conferred on the Secretary of the Navy to fix the place of holding the examination is the essence of determining whether or not the applicant is entitled to his mileage.

Mr. MADDEN. That is on the theory, I assume, that when a man passes the examination he is in the service.

Mr. KELLEY of Michigan. Exactly. Now, there is one point further. If he were an officer in the Navy at the time he started from home he would receive 8 cents a mile. This provision is in order under the Holman rule because it reduces that rate to 5 cents a mile.

Mr. BLANTON. Will the gentleman yield?

Mr. KELLEY of Michigan. Yes.

Mr. BLANTON. I agree with the gentleman, but I want to call his attention to the fact that there is not much hazard in sending a young man to Annapolis to be examined for the reason that prior to his going there he has passed the mental examination and been examined by some local physician.

Mr. KELLEY of Michigan. Yes; the Secretary would have no difficulty whatever in making a regulation providing for the

appointment of these boys at their home town. If he has the power to appoint them at their home town and then they can draw mileage, he has under the statute which gives him the authority to fix the place of holding the examination the authority to pay that same mileage just as they would be paid had he appointed them at their homes. So the whole matter resolves itself into a question of regulation as to the place of holding the examination which the statute authorizes the Secretary to make. Therefore, Mr. Chairman, this item is not subject to a point of order.

Mr. BUTLER. Will the gentleman yield for a question?

Mr. KELLEY of Michigan. I will.

Mr. BUTLER. I sincerely hope that the gentleman from Michigan is right in his argument on the point of order. It will relieve us from a great deal of difficulty in the future, but it has been held repeatedly that these young men who go to Annapolis are not officers until they graduate and are commissioned. I hope we have been mistaken.

Mr. KELLEY of Michigan. The Comptroller of the Treasury has held repeatedly that a midshipman is an officer in the Navy, and the accounts are carried in that way.

Mr. BUTLER. The courts have held the other way.

Mr. KELLEY of Michigan. They are in the service as soon as they receive their appointment to the academy.

Mr. BUTLER. No; they could not be retired for any disability.

Mr. KELLEY of Michigan. Mr. Chairman, I want to say in addition that in no case is the money paid for traveling expenses except after they become midshipmen, and whether it is paid to them at home or at Annapolis is immaterial, simply being a matter of regulation by the Secretary as to where he deems it convenient and advisable to hold the examination and make the appointment.

Mr. BRITTEN. Mr. Chairman, allowing what the gentleman from Michigan has said to be entirely correct in all phases, the rule specifically says that the Committee on Naval Affairs will care for pay and allowances for the officers and men in the service. If 5 cents a mile for travel is not allowances, I do not know what I am talking about.

Mr. KELLEY of Michigan. The gentleman does not intend to convey the impression that provision for pay and allowances in the existing law is to be passed on by the Naval Committee.

Mr. BRITTEN. This is new language on an appropriation bill put in in 1919, and its consideration properly belongs under the rule to the Committee on Naval Affairs. I have no objection to continuing this language in proper legislation. I am not attempting to take anything away from the midshipmen, but this language is legislation on an appropriation bill and belongs to the Committee on Naval Affairs, and that is my only reason for making the point of order.

Mr. MANN of Illinois. Will the gentleman yield?

Mr. BRITTEN. Certainly.

Mr. MANN of Illinois. Is this allowance paid to these candidates before they are examined and admitted or after they are appointed?

Mr. BRITTEN. It is paid after they are appointed as midshipmen.

Mr. MANN of Illinois. The language is "while proceeding from their home for examination and appointment." That would indicate that it was before their appointment.

Mr. BRITTEN. That is very true, but the language is in error.

Mr. MANN of Illinois. It says for examination and appointment.

Mr. BRITTEN. This bill provides 5 cents a mile for those who have been successful.

Mr. BUTLER. These young men may go there and may fail and get their pay.

Mr. KELLEY of Michigan. Oh, no.

Mr. BUTLER. I may be mistaken, but I thought they were paid 5 cents a mile even though they failed.

Mr. BRITTEN. Mr. Chairman, the examinations occur all over the United States—in Seattle, in San Francisco, in New Orleans—and after the examinations the young men pay their own fare to Annapolis, and then they are examined again physically, and they are then inducted properly into the academy. After that induction they get this allowance of 5 cents a mile.

It is purely legislation, and, under Rule XIII, allowances properly belong to the Committee on Naval Affairs. I am not attempting to take anything from the midshipmen. This language will again be made effective before July 1, but it will be made effective in a proper way through the Committee on Naval Affairs and not the Committee on Appropriations, and my sole desire in making points of order to-day will be to determine now,

once for all, whether the Committee on Naval Affairs is going to legislate and just how it will legislate or whether the Committee on Appropriations is going to appropriate and legislate, and just how it will operate in that respect, under this obnoxious rule under which we are attempting to conduct the business of this House.

Mr. BUTLER. Mr. Chairman, I would like to ask the gentleman from Illinois a question. Did I understand the gentleman to say that this allowance of 5 cents a mile was not given to young men who fail to pass the examinations?

Mr. BRITTEN. That is what I said.

Mr. BUTLER. Then I confess my ignorance.

Mr. KELLEY of Michigan. Mr. Chairman, I shall read the letter which is sent out to the boys governing that part of the situation:

If qualified mentally, you will be notified by the bureau to report at the Naval Academy, at Annapolis, Md., for physical examination, and if physically qualified you will be appointed. If appointed, you will be allowed mileage at 5 cents per mile from your home to Annapolis.

Mr. BUTLER. Mr. Chairman, I am obliged to the gentleman. That puts me straight.

The CHAIRMAN. The Chair is ready to rule. The gentleman from Illinois makes the point of order that the language—and for mileage, at 5 cents per mile, to midshipmen entering the Naval Academy while proceeding from their homes to the Naval Academy for examination and appointment as midshipmen—

is subject to the point of order, being legislation on an appropriation bill and not authorized by law. The gentleman from Michigan [Mr. KELLEY] cites section 1515 of the United States Revised Statutes, edition of 1878, which reads:

All candidates for admission to the Navy shall be examined according to such regulations and at such stated times as the Secretary of the Navy may prescribe. Candidates rejected at such examinations shall not have the privilege of another examination for admission to the same class, unless recommended by the board of examiners.

The Chair interprets this language to mean what it says, that it is for mileage allowance to midshipmen while proceeding from their homes to the Naval Academy for examination and appointment as midshipmen, and it is the view of the Chair that the section cited by the gentleman from Michigan, authorizing the Secretary of the Navy to make regulations for the examinations and to prescribe times when the examinations may be held, is not sufficient authority on which to base an allowance in an appropriation bill to pay mileage, and, therefore, sustains the point of order.

Mr. KELLEY of Michigan. Mr. Chairman, in place of the language which went out on the point of order I desire to offer the following—

Mr. BRITTEN. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. BRITTEN. As I suggested a few moments ago, the entire paragraph on pages 2 and 3 is subject to the point of order in many respects.

Mr. KELLEY of Michigan. But we will not make any time by taking it up in detail.

Mr. BRITTEN. I desire to make a point of order on various portions of the paragraph.

The CHAIRMAN. If the gentleman desires to proceed with the points of order, he may do so.

Mr. BRITTEN. I will make another point of order to the language on lines 18 and 19, on page 2:

Actual expenses of officers while on shore-patrol duty.

Those words were added to an appropriation bill as legislation on August 28, 1916, and are legislation. I make the point of order against that language.

Mr. KELLEY of Michigan. Mr. Chairman, let us get back to the Naval Academy item.

The CHAIRMAN. The Chair would state that a motion to amend a paragraph can not be made while a point of order against any part of it is pending. Does the gentleman from Michigan desire to be heard on the point of order?

Mr. KELLEY of Michigan. Mr. Chairman, with reference to the point of order made by the gentleman from Illinois to the language—

actual expenses of officers while on shore-patrol duty—

I desire to say that I do not believe that the language is subject to a point of order. The Chair, of course, is thoroughly familiar with the doctrine that where a statute gives direct authority to do some particular thing, it carries with it all incidental and implied authority necessary to make the general authority effective. Section 1431 of the Revised Statutes provides expressly that commanding officers may grant leave of absence on shore to men on ships. That carries with it as a disciplinary matter, if nothing else, the necessity for sending officers on shore with the men. There could be no more vicious thing than to permit these American boys in foreign ports shore

leave, subject to all of the temptations of foreign cities, without sending officers on shore with them. There are incidental expenses of those officers while on shore, carrying out the general authority conferred upon the commanding officer of the ship to grant shore leave. If those expenses are not carried as an incidental authority, then the main authority which commanding officers have to grant leave of absence to men from the ships is of absolutely no avail, because it would demoralize and destroy the Navy if young boys 17 and 18 years of age were allowed to go on shore in foreign cities without any supervision on the part of the officers. It may be necessary to pay street car fare, or perhaps the officer will be obliged to stay on shore overnight, or he may be obliged to buy a meal for himself. Those are incidental expenses which go with the authority to grant shore leave.

Mr. BRITTEN. Mr. Chairman, the argument of my friend from Michigan [Mr. KELLEY] is very appealing when he suggests that these officers are protected while doing shore-patrol duty. He refers to these officers as boys of 17 and 18 years of age.

Mr. KELLEY of Michigan. No; they are protecting the boys, watching over them, seeing that they keep out of mischievous places, and I am surprised that the gentleman from Illinois [Mr. BRITTEN] should want to see the youth of America turned loose in foreign cities without any supervisory authority.

Mr. BRITTEN. The gentleman's suggestion is surprising—it is amazing. He knows I am as much in favor of this thing as he is.

Mr. KELLEY of Michigan. Then let it alone.

Mr. BRITTEN. And his argument is absolutely ridiculous from my viewpoint, and I want him to know that is the way I feel about it.

Mr. CANNON. Will the gentleman yield for a question?

Mr. BRITTEN. I will yield.

Mr. CANNON. There is no law, the gentleman claims, that would justify this appropriation?

Mr. BRITTEN. There is no law that would justify it; and the rule of the House specifically states that, being an allowance for officers, it is cared for by the Committee on Naval Affairs. If these expenses—

Mr. CANNON. Hold on; let me ask another question: If this bill were being considered before the adoption of the rule taking away legislative provisions, and it would be reported by the Committee on Naval Affairs with appropriating provisions, would it be subject to a point of order?

Mr. BRITTEN. It would. It was added to the appropriation bill, I will say, in 1916, and the day it was included in an appropriation bill it certainly was subject to a point of order.

Mr. CANNON. Very well. Let me ask another question: When was this rule adopted?

Mr. BRITTEN. Last year.

Mr. CANNON. What has the Committee on Naval Affairs been doing that they have not provided the legislation that enables them now, having failed to provide legislation, to cut out this provision?

Mr. BRITTEN. I will suggest to my good friend that if he had been here yesterday I did tell the House that we went before the Committee on Rules in order that we might bring our legislation in here.

Mr. CANNON. What has the committee been doing this session?

Mr. BUTLER. I will tell the gentleman what we have been doing: We have been at work.

Mr. CANNON. On this legislation?

Mr. BUTLER. Yes, sir. I do not propose to be criticized even by my dear old friend; but that is what we have been doing. The gentleman knows we had no opportunity to legislate ahead of this bill.

Mr. CANNON. Has the gentleman drafted the bill?

Mr. BUTLER. Yes, sir; and it is on the calendar.

Mr. CANNON. Has the gentleman tried to get it up?

Mr. BUTLER. Yes, sir.

Mr. SNELL. Will the gentleman yield?

Mr. BRITTEN. I will yield to my friend from New York for a question.

Mr. BUTLER. We were not idle.

The CHAIRMAN. The Chair desires to hear the discussion upon the point of order.

Mr. SNELL. How many of these points of order the gentleman is raising would be covered by legislation which he has before the House?

Mr. BRITTEN. I do not know. We have got a bill reported with some 26 items in it covering all sorts of legislation, and many of them were incorporated in our bill at the request of the Committee on Appropriations.

Mr. SNELL. Do they cover the items to which the gentleman raises the point of order now?

Mr. BRITTEN. No, sir.

Mr. SNELL. I thought not.

Mr. BUTLER. Mr. Chairman, I ask permission to talk for two minutes.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent to address the committee for two minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. BUTLER. Mr. Chairman, the bill referred to contains just exactly what my very good and excellent friend from Michigan, Judge KELLEY, asked to be put in it. With the greatest care we wrote the provisions as desired. I had intended to ask the Committee on Naval Affairs to legislate upon more than 200 subjects in this bill, which has been built up piece by piece, the Committee on Naval Affairs having had authority heretofore to legislate and appropriate. My friend from Illinois, Mr. MANN, smiles, but he looked upon it year after year as a necessity, as we built up this great bill as you find it here. Therefore I thought it necessary to take all these items in and make an omnibus bill and present them to this House and have it passed here and sent to the Senate, to be passed there, and then on to the President before this appropriation bill was reported, but when I consulted my friend, KELLEY of Michigan, he indicated certain things that he desired particularly, and we complied with his request and wrote them into this omnibus bill which now remains upon the calendar. We have done the best we could.

Mr. MANN of Illinois. Mr. Chairman, there are two ways of looking at an appropriation bill appropriating money for a governmental service. One is that every item must be authorized by a specific provision of law, that you can not by a pen or the ink with which to use it appropriate unless a legislative provision of law authorizes the appropriation. That rather narrow view of the law, I think, has never, or at least seldom, prevailed in the rulings in the House. Where the Government provides for a service the incidental expenses which are absolutely necessary and essential to the conduct of the service, in my judgment, have been included as authorized by the creation of the service, and that you could appropriate for the ordinary incidental expenses necessary in the conduct of the service. Take this case. We have a Navy. The Navy is authorized to send its battleships to any port in the world. It goes to a foreign port or to a home port or some other port. The Navy is authorized, and I think no one will contradict that, to permit the officers of the Navy to allow the enlisted men shore duty. The Navy is authorized to permit the commanding officer of the vessel to detail officers to go on shore on patrol duty—I do not know that I am getting the attention of the Chair.

The CHAIRMAN. The gentleman is getting the attention of the Chair.

Mr. MANN of Illinois. The Chair may be getting more information from reading a book than he is from me.

Mr. LINTHICUM. Will the gentleman yield?

Mr. MANN of Illinois. Well, I prefer—I will yield.

Mr. LINTHICUM. It occurred to me while the gentleman was making these remarks about these things which are incidental that not long ago we had a bill before this House that provided for water for a fountain which was authorized, and the gentleman argued that that was subject to a point of order, though it was a fountain and even though water was necessary.

Mr. MANN of Illinois. I suppose if the gentleman ever gets to heaven, which I doubt, and Saint Peter asks him if he is a good man, he will go off on some side issue and never be able to answer the question. [Laughter.]

Mr. LINTHICUM. Will the gentleman yield?

Mr. MANN of Illinois. I do not yield for a foolish question. Mr. LINTHICUM. Does the gentleman pretend that water is not necessary for the fountain?

Mr. MANN of Illinois. I argued that question when the matter was before the House, and successfully argued it, which the gentleman was not able to do.

Mr. LINTHICUM. I did not make any argument at all.

Mr. MANN of Illinois. The gentleman should follow my example and discuss a matter before the House successfully, instead of using his imagination as to something that was not said about matters before the House.

Now, Mr. Chairman, the question is whether, if the commanding officer of a naval vessel is authorized to detail an officer on patrol duty as one of the routine matters of the Navy, authorized in the maintenance of the Navy, the Government is authorized to pay the expense of that detail. I am inclined to think that one follows the other.

Mr. BRITTEN. Mr. Chairman—

Mr. SNELL. Mr. Chairman, I would like to ask the gentleman from Illinois a question before he leaves the floor.

Mr. MANN of Illinois. If it is not about a fountain.

Mr. SNELL. It is not.

As I understood the gentleman's statement, and that is as I understand the proposition also, heretofore we have always considered it was in order to appropriate for those things that were considered absolutely necessary for the conduct of the Navy. Am I right at that point?

Mr. MANN of Illinois. I always prefer to use my own language. If my statement was not clear, I will be glad to make it again.

Mr. SNELL. On the basis of your statement, and, I think I can add, if we have the same liberality in this bill that we have in former bills, will not most of the items be included in it?

Mr. MANN of Illinois. That is not the question before the House.

Mr. SNELL. It seems to me that is the proposition we have got to consider.

Mr. MANN of Illinois. The proposition here is as to this item.

Mr. SNELL. You are discussing the general proposition.

Mr. MANN of Illinois. But I am not claiming to apply it to the rest of the bill at this time.

The CHAIRMAN. The Chair would like to ask the gentleman from Michigan [Mr. KELLEY] a question. Is there a service or a duty in the Navy known as "shore-patrol duty," which is a part of the regular operation of the Navy and to which men are assigned from time to time?

Mr. KELLEY of Michigan. There is no question about that at all—that granting shore duty and shore-duty service is absolutely essential to the discipline of the Navy.

The CHAIRMAN. The Chair would like to ask the gentleman further if this is confined to ports outside of the jurisdiction of the United States?

Mr. KELLEY of Michigan. No.

The CHAIRMAN. The Chair will hear the gentleman from Illinois [Mr. BRITTEN].

Mr. BRITTEN. Mr. Chairman, just at that point the gentleman answered the Chair, "No." He has perhaps forgotten that we did a lot of patrol duty with the enlisted personnel of the Navy and Marine Corps on the streets of France.

The CHAIRMAN. The Chair asked the gentleman from Michigan if shore-patrol duty was confined simply to ports outside of the United States.

Mr. BRITTEN. Oh, no. It may be confined to ports in the United States. Under this appropriation, which was added to the appropriation bill of 1916, \$2,000,000 of the \$3,500,000 carried in the bill could be allowed to officers for expenses while on shore. Now, I suggest to the Chair that that is purely in the nature of an allowance. You are allowing an officer expenses while ashore, and the rule in paragraph 13 specifically states that the pay and allowance to officers and men properly belongs in the Committee on Naval Affairs.

Mr. KELLEY of Michigan. Mr. Chairman, if I may be permitted to add one more word, I wish to say that the gentleman from Illinois [Mr. BRITTEN] seems to miss the point entirely.

It is a well-known principle of law that even a constitutional provision carries with it all the incidental authority necessary to make that constitutional provision effective. For instance, Congress has authority to make war, and under that general authority we go ahead and expend money and take every dollar that the Government sees fit to take, in taxes or under condemnation proceedings, and go out and take the last man and assign him to war duty.

Now, it would have been folly to have given Congress the power to make war if it did not have the power to do all these other incidental things necessary to make the war power effective. It is utter nonsense to authorize the President of the United States to conduct a Navy and then say to him that he has no authority to exercise such incidental authority as may be necessary to make a Navy effective. The gentleman from Illinois seems to have the idea that unless an appropriation is backed up by direct authority it has no standing on an appropriation bill, which is not the fact at all, as the gentleman from Illinois [Mr. MANN] has so clearly stated.

Mr. BRITTEN. Will the gentleman yield for a question?

Mr. KELLEY of Michigan. If some incidental authority is necessary to make a direct authority effective, Congress has the power to make the necessary appropriations to carry that incidental authority into effect. That is all there is to it.

Mr. BRITTEN. Is the gentleman suggesting to the Chair that the Navy will be ineffective unless officers are allowed certain expenses while on shore?

Mr. KELLEY of Michigan. If the gentleman's interpretation of the authority conferred upon the President and the Secretary of the Navy with relation to the conduct of the Navy should prevail, not a single cent of money could be appropriated for the most casual expenditure in the carrying out of that service until Congress had granted specific authority. This policy would paralyze every branch of the Government and render all general grants of power useless.

Mr. BRITTEN. Mr. Chairman, in conclusion I just want to suggest this, that if travel pay is an allowance, certainly expenses ashore for an officer are an allowance; and if they are allowances, as the Chair has once ruled to-day, let me again call the attention of the Chair to the language in the rule under which we are now operating, and that is that the pay and allowances for officers and enlisted men of the Navy properly belong to the consideration of the Committee on Naval Affairs.

Mr. REAVIS. Mr. Chairman, will the gentleman yield?

Mr. BRITTEN. Yes.

Mr. REAVIS. Supposing that patrol duty on shore were definitely authorized by law, would the gentleman think that a point of order would lie to some detail of expense essential to that duty?

Mr. BRITTEN. No; nor do I think that this expense is essential to the efficiency of the Navy as applied in a general sense.

Mr. REAVIS. If in the view of the Chair it would be essential to some of the service authorized by law, would the gentleman contend that a point of order would then lie to it?

Mr. BRITTEN. My sole contention in all of these matters, I will say to my good friend from Nebraska, is that because I am making these points of order, I am not objecting to them in legislation; I am merely trying to determine, for the benefit of the future, if we are going to continue to operate under this obnoxious rule, a rule which is not providing for legislation properly and efficiently and successfully. I want to know for the future, for the benefit of the Committee on Naval Affairs, just which legislation we are to care for next year and the other years following. I do not think for one moment that this rule may be effective. I think in a year Gov. KELLEY will be back in the Committee on Naval Affairs. We are still reserving his place for him, next to the chairman; but I think the country and the House ought to realize that we are not conducting the business of the Government properly under this new system.

Mr. REAVIS. It may be my stupidity, but I do not quite catch the gentleman's view. Is he objecting or raising a point of order to the item because the service is not authorized, or does he admit that there is authority in law for the service of which this is a mere detail?

Mr. BRITTEN. No. There is no authority in law for this. It is legislation, pure and simple, on an appropriation bill. That is the reason why I made the point of order. If I had thought there was any authority of law for it, I should not have made the point of order.

Mr. MANN of Illinois rose.

Mr. KELLEY of Michigan. Mr. Chairman, before the gentleman from Illinois goes along, I want to call the attention of the Chair to a direct decision in Hinds' Precedents, section 3786, volume 4, where the distribution of card indexes, and so forth, by the Library of Congress was held to be merely an incidental authority conferred when the general authority of conducting the Library was granted.

Mr. BLANTON. Mr. Chairman, will the gentleman yield right there?

Mr. KELLEY of Michigan. Just a minute, until I read this.

The CHAIRMAN. The gentleman declines to yield.

Mr. KELLEY of Michigan. Mr. Fitzgerald of New York said:

I desire to say that the Library of Congress is authorized by law. This is a part of the Library work. It is one of the things which is generally authorized in the maintenance of the Library. It is not one of those cases where a point of order is good against the item. It is a service done in continuation of the work of the Library, and merely because the amount is increased it does not come within the rule so as to make it subject to a point of order, as it would be if it were an increase of salary. It is for a continuation of a work in progress, the work of maintaining the Library, which is existing under the law, and which work is done in pursuance of law. It seems to me under the circumstances it is proper to appropriate the amount determined by the committee.

It is simply a mere incidental authority conferred with the general authority which they have to run the Library. They can get out these index cards, and the incidental authority was held by the Chair to exist.

Mr. BRITTEN. I agree with the gentleman that the authority is incidental, but it applies to an increase of salary.

Mr. KELLEY of Michigan. Oh, no.

Mr. BRITTEN. Quite generally, in order to carry out certain work.

The CHAIRMAN. The gentleman from Illinois [Mr. MANN] is recognized.

Mr. MANN of Illinois. Mr. Chairman, I do not criticize my colleague [Mr. BRITTEN] for making points of order on this bill, because I think if I were on one of these committees that has been stripped of authority I would riddle every appropriation bill as much as I could.

But that is not the question to which I wish to address myself. My colleague says that this is legislation, and that the rules provide that the Committee on Naval Affairs shall have legislative jurisdiction over allowances to officers. Of course if this is legislation, it is obnoxious to the rule, regardless of the jurisdiction of any committee. But this is not legislation. The question is whether it is an appropriation authorized by law. It is not legislation; it is an appropriation; and the question of jurisdiction between the committees has nothing to do with the case, because if it were legislation it would be obnoxious to the rule in any event. But my contention is that, being an appropriation, an incidental expenditure for service authorized by the law, the appropriation is authorized by law.

Mr. BRITTEN. Mr. Chairman, will the gentleman yield for a question?

Mr. MANN of Illinois. Certainly.

Mr. BRITTEN. Does not my colleague—and I have the highest regard for his opinion, and I think he is usually right—does not my colleague believe that when an officer is detailed ashore and is allowed a certain sum of money for his expenses ashore, that distinctly is an allowance? And if it is an allowance, does not my colleague believe that, under the ruling, the Committee on Naval Affairs should give it consideration rather than the Committee on Appropriations?

Mr. MANN of Illinois. If a bill is brought into the House providing for legislation that an officer on shore should be paid an allowance, it would go to the Committee on Naval Affairs, and the Committee on Appropriations would have no jurisdiction; and if the point is sustained by the Chair, it may become necessary for the Congress to legislate upon the subject. But this is not legislation; this is an appropriation. My contention is that, being merely an appropriation, it is an appropriation authorized by law, and does not require special legislation. I say that if an officer is required to go on duty on shore, required by his commanding officer, and if he fails to obey the order he is subject to a court-martial and dismissal from the Navy; if he is required to go on shore under regulations of the Navy, which are authorized by law, and if he is required to go on shore and incur an expense, then there is authorization for Congress to appropriate the money to recompense him for the expense which he must incur.

Mr. BRITTEN. I desire to remind the Chair of one statement of the gentleman from Illinois [Mr. MANN]. He said, in substance, that if this was something new desired by the Navy, of course when the matter came here it would go to the Committee on Naval Affairs. That is the language exactly as it is in the bill. In 1916 it did come to Congress in just that way, by a request from the department to make certain allowances to officers who might from time to time be detailed to shore-patrol duty—an allowance for their expenses. The Committee on Naval Affairs inserted that in the bill at that time. It was then subject to a point of order as new legislation. But now, under the new rule of the House, it is specifically provided that allowances to officers shall be for the consideration of the Committee on Naval Affairs; and for expenses ashore, hotel bills, railroad fare, taxicabs, meals, expenses of that kind which are purely personal in their nature, I maintain that they belong to the Committee on Naval Affairs.

Mr. WINGO. Will the gentleman yield?

Mr. BRITTEN. Yes.

Mr. WINGO. Is there not a distinction in law between making an allowance in lieu of expenses or to cover expenses and the payment of the actual expenses?

Mr. BRITTEN. It has always been maintained that actual traveling expenses, railroad expenses, and so forth, are allowances to officers.

Mr. WINGO. They are allowances for that purpose—

Mr. BRITTEN. They come under the head of pay and allowances.

Mr. WINGO. But I want to direct the attention of the Chair to the fact that this provision proposes not to make what is called a lump allowance, but to cover actual expenses that the officer can not control. If it was proposed to pay him so much per day, that would be an allowance in a lump sum to cover it, and that would require legislation; but this is purely to reimburse an officer for expenses incurred in the discharge of

his duty, and certainly there is authority in law for that purpose.

Mr. BRITTEN. Yes; but I maintain that a lump sum per day is just the same.

Mr. WINGO. I think there is a difference between the payment of actual expenses and a lump-sum allowance.

Mr. BRITTEN. It may be just as necessary in the performance of his duty for us to say, "We will send you to a certain place and allow you \$5 or \$8 a day."

Mr. WINGO. There is a distinction. If you allowed him \$5 or \$10 a day, that might cover his actual expenses or it might not. It might exceed them. That would be an arbitrary rule which Congress laid down. It might exceed his actual expenses. But if you simply provide that he shall have his actual expenses, it is something over which he has no control. You do not give him any advantage. You propose to take care of an incidental expense of the service which is certainly authorized by law.

Mr. BRITTEN. I do not agree with the gentleman.

Mr. SNELL. Mr. Chairman, I feel that this is a very vital proposition, and that the decision of the Chair on this question may have an important influence on the future conduct of the House in dealing with these matters. I think that on this proposition we ought to mix a little common sense with the technical rules of the House. If we adopt the policy that we must legislate on every single activity in the minutest detail of every one of the departments of the Government, this House has not time enough in 365 days to legislate for one department alone, to say nothing of the various departments that we are trying to operate at the present time. I feel that we ought to use a little liberality in interpreting the rule at this time, and that we should not insist on legislation on all these matters of minute detail, but should interpret the rules as the majority of the House believe should be done in order to facilitate public business.

Mr. MCCLINTIC. Mr. Chairman, I raise the point of order that debate on the point of order is exhausted.

The CHAIRMAN. The Chair overrules the point of order. Debate on points of order is in the discretion of the Chair.

Mr. KELLEY of Michigan. Mr. Chairman, the importance of this decision is my only excuse for taking any more time in its discussion.

Section 4015 of Hinds' Precedents sustained a contingency appropriation. The bill in that case carried an appropriation to be spent in the discretion of the Secretary of the Navy for matters of emergency that might arise, things that nobody could foresee. Now, if under a general authority to conduct the Navy it is in order on an appropriation bill to provide a contingent fund to be put at the disposal of the Secretary of the Navy which he can use to meet contingencies whenever they arise and of whatever character, certainly there must be a wide margin of authority which must be regarded as incidental in character and which naturally goes with general authorizations.

The CHAIRMAN. The gentleman from Illinois [Mr. BRITTEN] makes a point of order to the language in the bill reading—

Actual expenses of officers while on shore-patrol duty—

in that it is an appropriation unauthorized by law.

The Chair has examined the decisions of existing law with reference to items of expense for officers in the Navy, such as travel and allowances made in lieu of mileage, also commutation of quarters and provisions for men when quarters are not available, and for the payment for travel between places in the United States, and also for travel between places abroad.

In all of these provisions specific authority is given to pay the travel and expenses or the allowance in lieu thereof, and while there is nothing to indicate that this particular item of expense is to be incurred for duty performed abroad or within the United States, the Chair feels that this item does not come within the provisions of the existing law for that character of expenses, and that there is no specific authority in the law authorizing the payment of the mileage, or for payment for travel between points within the United States or between foreign ports, or for the commutation of quarters, or for expenses ashore where quarters are not available. And there is a decision that no allowance shall be made in settlement of any account for travel expenses unless the same be incurred on the order of the Secretary of the Navy or the allowance be approved by him.

In the view of the Chair the question seems to come down to whether this duty is such an incident of the operation of the Navy Department which is to be performed by officers acting under orders as to make it a necessary part of the conduct of the Navy for which an expenditure can be incurred without specific detailed authority in a legislative act.

The Chair gathers from the statement of the gentleman from Michigan, as supplemented by the statement of the gentleman from Illinois, that this is a well-known duty in the Navy Department; that officers may be assigned to that duty under orders and that the requirement that the actual expenses while on that duty shall be paid. If there is no authority for this in the appropriations made for naval purposes, it would seem that it would impose a duty on the officers of the Navy, and that the incidental expenses in the performance of that duty would necessarily fall on the officer, which the Chair feels can not be the real intent of the existing laws or of Congress in setting up appropriations for the maintenance of the Naval Establishment. The Chair feels that while it does not come within the various classes specifically authorized by law, in view of the information furnished by the gentleman in charge of the measure, as supplemented by statements made in discussion of the point of order on both sides of the question, that the actual expenses of officers while performing this particular class of duty, which is a well-recognized duty in the Navy, is such a necessary incident as to authorize its inclusion in this bill, and therefore the Chair overrules the point of order.

Mr. POUL. Mr. Chairman, is it in order to move to strike out the last word?

The CHAIRMAN. Not as long as there is a reservation of a point of order. The gentleman from Illinois reserves a point of order on the entire paragraph, and he is making the point of order to the particular language in the section.

Mr. BRITTEN. Mr. Chairman, I call the attention of the Chair to the language in line 19, page 2, after the word "duty," "hire of launches or other small boats in Asiatic waters." That language was added to the appropriation bill in 1883 and is subject to a point of order, and I make the point of order.

Mr. MANN of Illinois. Mr. Chairman, the other day a gentleman occupied the chair for whose opinion I sometimes have considerable respect. A point of order was made against the appropriation for the hire of a launch at Constantinople in the Diplomatic and Consular Service. The Chair overruled the point of order on the ground that it was an incidental expense. I agreed with the opinion of the Chair at that time because I made the ruling. [Laughter.] But it was not the first time the same matter had been ruled upon. I find that the same matter—the same identical proposition—was ruled on long ago and held in order; and no doubt the parliamentary clerk furnished the Chair the volume of Hinds' Precedents containing that precedent.

Mr. BLANTON. And every year during the last three years in the diplomatic bill it was overruled.

The CHAIRMAN. The Chair recalls the ruling made the other day, which apparently was made upon precedents well established, but the Chair feels that it is not necessary to go beyond the precedents. The Chair has great respect for the wisdom and great knowledge of parliamentary law of the occupant of the chair at that time, and the Chair, for the reason at that time expressed, will overrule the point of order.

Mr. BRITTEN. Mr. Chairman, I call attention to this language on line 20, page 2—

The CHAIRMAN. Does the gentleman make a point of order?

Mr. BRITTEN. Yes; "for rent of buildings and offices not in navy yards."

Mr. KELLEY of Michigan. Mr. Chairman, this has been ruled upon over and over again. I call attention to section 3777 of Hinds' Precedents, volume 4:

An appropriation for rent and repair of buildings used in the public service was held to be in the continuation of public works.

Besides that, it is supported by positive law.

The CHAIRMAN. The gentleman from Illinois makes the point of order against the language "for rent of buildings and offices not in navy yards." Under the decision cited by the gentleman from Michigan the Chair there held that an appropriation for the repair of buildings was an appropriation for the continuance of public works, and the Chair feels that under the precedent established the language is in order, and therefore overrules the point of order.

Mr. BRITTEN. Mr. Chairman, I make the point of order on this language, line 22, page 2, of the bill—"boards of inspection, examining boards with clerks." That is new language on an appropriation bill—legislation on an appropriation bill. The Secretary of the Navy might spend \$2,750,000 out of this three and a half million dollars for boards of inspection, examining boards, and send them all over the world. I maintain that it is legislation on an appropriation bill and therefore subject to a point of order.

Mr. KELLEY of Michigan. Mr. Chairman, the expense of boards of inspection is definitely authorized by law under the

act of August 5, 1882. Twenty-second Statutes at Large, 296. It is section 2786 of the compiled statutes.

It shall be the duty of the Secretary of the Navy as soon as may be after the passage of this act, to cause to be examined by competent boards of officers of the Navy to be designated by him for that purpose all vessels belonging to the Navy not in actual service at sea, and vessels at sea as soon as practical after they shall return to the United States, and hereafter—

And the word "hereafter" puts it beyond all doubt in respect to its being permanent.

and hereafter all vessels on their return from foreign stations, and all vessels in the United States as often as once in three years, when practical, shall be examined; and said board shall ascertain and report to the Secretary of the Navy in writing which of said vessels are unfit for further service, etc.

I do not think I need take up the time of the Chair or of the committee further by reading the statutes. These boards are specifically authorized by law.

The CHAIRMAN. The gentleman from Illinois [Mr. BRITTEN] makes the point of order to the language—

Boards of inspection, examining boards, with clerks—

in lines 22 and 23, on page 2, of the bill. The statute which has been cited by the gentleman from Michigan would seem to the Chair to authorize the Secretary of the Navy to convene such boards for the duties therein specified, and the mere fact that anyone of these particular items in the paragraph might require the expenditure of the total appropriation seems to the Chair has no bearing on the point of order. The Chair feels that the statute cited clearly authorizes the appropriation and, therefore, overrules the point of order.

Mr. BRITTEN. Mr. Chairman, I make the point of order to the language in line 24, on page 2—

Expenses of naval defense districts.

That is legislation on an appropriation bill and was added as legislation to an appropriation bill on August 29, 1916.

The CHAIRMAN. The Chair would be inclined to overrule that point of order, because this does not appear to be legislation.

Mr. KELLEY of Michigan. It is a mere matter of regulation and administration.

Mr. KNUTSON. Mr. Chairman, in order to expediate matters will not the Chair define what legislation means on an appropriation bill, so that the gentleman from Illinois [Mr. BRITTEN] may not unnecessarily take up the time of the House.

Mr. BRITTEN. The whip of the House has spoken. Mr. Chairman, I make the point of order to the language in line 3, page 3, of the bill—

Ferriage; tolls.

It is legislation on an appropriation bill.

Mr. KELLEY of Michigan. Mr. Chairman, neither of those items is subject to a point of order. They are mere necessary incidental authority that goes with the operation of motor cars or the purchase of supplies on shore. Let us suppose there is a ship in Asiatic waters. An officer wants to buy supplies or to get money for the pay roll, and has to have little expenses paid for ferriage ashore. The ship may not be able to get in. Up here at Havre de Grace there is a toll bridge, and automobiles belonging to the Government, trucks from the Philadelphia Navy Yard passing to other points which they have to reach in the course of public business, are obliged to pay toll there to get across the river. It is the same way at the Norfolk Navy Yard. The navy yard is across the river from the city. The officers in the yard or men detailed on some duty are sent over, we will say, to the bank or to get supplies. They must cross on the ferry. These are ordinary necessary incidentals to carrying on the work of the Navy Department, and fall within the previous rulings of the Chair. Automobiles are authorized and trucks are authorized.

The CHAIRMAN. The Chair thinks these items are of a character that have previously been mentioned as necessary incidentals which accompanies the performance of duty on the part of members of the Naval Establishment, and that it is within the rules of the House on this appropriation bill to authorize their payment, and overrules the point of order.

Mr. BRITTEN. Mr. Chairman, I make the point of order against the following language, on line 5, page 3, of the bill: recovery of valuables from shipwrecks.

It has been suggested that certain paragraphs or clauses in the bill are incidental to the maintenance and efficiency of the Navy. Of course, you could shoot a man under that language. Many things might be incidental to the management of the Navy or might be held to be incidental to the management of the Navy and yet be legislation on an appropriation bill. This language was inserted as legislation on an appropriation bill, and I make the point of order against it.

Mr. KELLEY of Michigan. Mr. Chairman, the gentleman is again in error as to the character of the authorization. This is general authority. Section 2776 of the compiled statutes reads as follows:

The President may, when the necessities of the service permit it, cause any suitable number of public vessels adapted to the purpose to cruise upon the coast in the season of severe weather and afford such aid to distressed navigators as their circumstances may require, and such public vessels shall go to sea fully prepared to render such assistance.

They are to assist in any way in the recovery of property or in the prevention of distress.

Mr. HICKS. Does the gentleman hold that that is one of the great functions of the Navy Department?

Mr. KELLEY of Michigan. It is authorized specifically in the law.

Mr. HICKS. Then where does the Coast Guard come in in that service?

Mr. KELLEY of Michigan. I do not care anything about that.

Mr. HICKS. That is the function of the Coast Guard and not the Navy.

Mr. KELLEY of Michigan. The President is directly authorized to so assign ships of the Navy. The gentleman evidently did not hear me read the law. There is one other provision to which I would like to call the attention of the Chair. I have not the citation directly at hand, but if he wishes I shall get it for him. It provides that the commanding officer of every ship of the Navy when at sea or when in a port where there is no consul shall have all of the powers of a consul and exercise every duty that a consul of the United States Government can exercise. One of the chief functions of consuls is to preserve property in situations of the character described.

The CHAIRMAN. The gentleman from Illinois makes the point of order against the language "recovery of valuables from shipwrecks." The Chair has examined the section of the statute to which the gentleman from Michigan has referred and finds that not only is the President given authority to cause a suitable number of vessels to cruise and afford aid to distressed navigators, but the Secretary of the Navy is authorized to cause vessels under his control adapted for the purpose to afford salvage to public or private vessels in distress, and is further authorized to collect reasonable compensation therefor. While this is not perhaps expressed in maritime language, yet it is the view of the Chair that it comes within the rule and is authorized by the two paragraphs of the statutes to which the gentleman from Michigan has referred. The Chair, therefore, overrules the point of order.

Mr. BRITTEN. Mr. Chairman, I make the point of order against the following language: On line 8, page 3 of the bill, "information from abroad and at home, and the collection and classification thereof." That is legislation on an appropriation bill, was added as such to an appropriation bill, and I make the point of order against the language.

Mr. KELLEY of Michigan. Mr. Chairman, without taking too much time this provision is to pay our naval attachés, and it is fully and completely authorized by statute.

Mr. BRITTEN. The gentleman does not mean to say this takes care of naval attachés?

Mr. KELLEY of Michigan. Takes care of their expenses.

Mr. BRITTEN. The pay for naval attachés comes out of pay and allowances for the Navy.

Mr. KELLEY of Michigan. I know that.

Mr. BRITTEN. And this money does not go to naval attachés at all.

Mr. KELLEY of Michigan. Yes; for incidental expenses. Besides that, section 1752 of the Revised Statutes expressly provides for the gathering of information of this sort.

Mr. TINCER. Will the gentleman yield?

Mr. KELLEY of Michigan. I do.

Mr. TINCER. I notice the gentleman from Michigan is reading considerably from a book which he calls the Revised Statutes. For the last four or five points of order the gentleman has read a section in this statute which seems to cover each case. I wondered if that book was available to all the members of the Committee on Naval Affairs, Legislative and Appropriations Committee alike, or was it just available for the use of the appropriating end of the committee?

Mr. MANN of Illinois. It is evident the gentleman from Kansas does not know about that from his question.

Mr. TINCER. Well, the gentleman from Illinois made some five or six points of order, and the gentleman from Michigan referred to sections of the Revised Statutes which he said absolutely covered the point of order, and I wondered if that could not be arranged so as to go to the other members of the committee, whether the gentleman from Kansas understood it or

not, and maybe the other gentleman from Illinois might be posted on it.

Mr. KELLEY of Michigan. Has the Chair read section 1752, to which I referred? It is as follows:

SEC. 1752. The President is authorized to prescribe such regulations, and make and issue such orders and instructions, not inconsistent with the Constitution or any law of the United States, in relation to the duties of all diplomatic and consular officers, the transaction of their business, the rendering of accounts and returns, the payment of compensation, the safe-keeping of the archives and public property in the hands of all such officers, the communication of information, and the procurement and transmission of the products of the arts, sciences, manufactures, agriculture, and commerce, from time to time, as he may think conducive to the public interest. It shall be the duty of all such officers to conform to such regulations, orders, and instructions.

Now, under the authority which is given the President he designates naval officers to these embassies. They gather information about the Navy, and all about the building programs of foreign Governments and the latest improvements and types of ships, work that could not be well done by anyone but a naval officer.

Mr. MANN of Illinois. Will the gentleman yield there?

Mr. KELLEY of Michigan. I will.

Mr. MANN of Illinois. What sort of a situation would the country be in if it were confronted with war and had no information abroad or at home collected and classified?

Mr. KELLEY of Michigan. Well, the gentleman's question is its own answer.

Mr. MANN of Illinois. Just as well sink the Navy.

Mr. BRITTEN. Will the gentleman yield? There is no question about the value of this service.

Mr. KELLEY of Michigan. Nor is there about the authority and authorization.

Mr. BRITTEN. Nor about the value of various other paragraphs in this bill. If they did not have value and merit to them it is assumed they would not be in here, but I am making points of order for the specific purpose—I am not attempting to filibuster, but I am trying to show to the House that the rule under which we are operating is a ridiculous one, and I hope it will be changed.

Mr. MONDELL. Will the gentleman yield?

Mr. BRITTEN. I have not the floor; the gentleman from Michigan has the floor.

Mr. MONDELL. Has there been any change in the rules as to points of order in this bill since a year ago, when the naval bill was reported, except in the matter of new ships and the size of the Naval Establishment?

Mr. BRITTEN. The only difference is in the rules of the House.

Mr. MONDELL. There is no difference in the rules. Whatever was the rule a year ago in regard to these items is the rule now. If the gentleman is so touchy about the rules he should have made these points of order a year ago.

Mr. BRITTEN. We were not operating a year ago under the rules we are operating under to-day.

Mr. MONDELL. We are operating under exactly the same rule, as far as these items are concerned, absolutely the same rule. Nothing has been quoted, nothing has been referred to that was not the rule a year ago and had not been established a year ago and for years before that.

The CHAIRMAN. The Chair overrules the point of order.

Mr. BLANTON. If it gets too hot for the gentleman over there we will invite him to come over here and sit with us.

Mr. LANHAM. Mr. Chairman—

The CHAIRMAN. The gentleman from Texas.

Mr. CANNON. That would only be jumping out of purgatory into hell. [Laughter.]

Mr. KELLEY of Michigan. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. KELLEY of Michigan. Did the Chair direct the Clerk to read?

The CHAIRMAN. The Chair recognizes the gentleman from Texas.

Mr. LANHAM. Mr. Chairman, I move to strike out the last word. Mr. Chairman, in view of the controversies which seem to have arisen to-day between the upper 35 and the submerged 400 I think the following lines are appropriate:

IN MEMORY OF THOSE WHO DIED AT THE BATTLE OF BUDGET BILL.

I.

Half a league, half a league,
Half a league onward,
On toward the Budget Bill
Charged the four hundred.
Forward, too forward quite,
They who contrived the fight,
They who into the night
Rode the four hundred.

II.

"Forward, Light-head Brigade!"
Was there a man dismayed?
Not one among them knew
Twenty score blundered;
Theirs not to reason why,
Theirs but to charge and cry:
"Lead us and take the pie!"
Into the valley of Death
Voted four hundred.

III.

Big guns to right of them,
Big guns to left of them,
Big guns behind them
Volleyed and thundered;
Lashed by the leaders' yell,
Spurred to the mouth of Hell,
E'en to the jaws of Death,
Into the trap they fell,
Fell the four hundred.

[Laughter.]

IV.

Slashed all their future bare,
Slashed in the thick hot air,
Sabering their prestige there,
Charging their comrades while
Herded and plundered;
Plunged in the screen of smoke,
O how they bent and broke:
North, South and East and West
Reeled from the fatal stroke
Shattered and sundered.
Then they strode back, but not—
Not the four hundred.

[Laughter.]

V.

Big guns to right of them,
Big guns to left of them,
Big guns in front of them
Volleyed and thundered;
Stormed at with shot and shell,
Men and Committees fell;
But they who died so well
Cried from the jaws of Death,
Shrieked from the mouth of Hell:
"Long live the Thirty-five!
Die the four hundred!"

VI.

When can their folly fade?
O the wild charge they made!
All the world wondered,
Look on the stupid dead!
Come, pat them on the head!
Slaughtered four hundred!

[Laughter.]

Mr. BRITTEN. Mr. Chairman, a parliamentary inquiry?

The CHAIRMAN. The gentleman will state it.

Mr. BRITTEN. I had not concluded my points of order on the former paragraph when the Chair recognized the gentleman from Texas. I think he recognized the gentleman from Texas [Mr. BLANTON] while I was on my feet. However, I will be willing to go along as the Chair suggests.

The CHAIRMAN. Well, the Chair does not desire to seem to take advantage of the gentleman, but the gentleman had taken his seat and made no attempt to seek recognition, and the Chair concluded that he had no further point of order to make. But if the gentleman feels that inadvertently he had delayed the points of order to the Chair, the Chair will recognize him.

Mr. BRITTEN. I thank the Chair.

I desire to make a point of order on line 12, page 3, of the bill. It is new language in the bill and inserted and carried in the bill for the first time. It reads, "not to exceed \$250,000." The language may be justifiable and necessary, but it is new language in the appropriation and I make the point of order against it.

The CHAIRMAN. The Chair thinks the language the gentleman makes the point of order to is a limitation on the expenditure, and overrules the point of order.

Mr. KELLEY of Michigan. Mr. Chairman, I ask for a reading of my amendment which I have sent to the Clerk's desk.

The CHAIRMAN. The gentleman from Illinois [Mr. BRITTEN] withdraws his reservation of a point of order to the paragraph, and the gentleman from Michigan [Mr. KELLEY] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. KELLEY of Michigan: Page 2, line 14, after the word "employees," insert "and for mileage, at 5 cents per mile, to midshipmen entering the Naval Academy."

Mr. KELLEY of Michigan. I think, Mr. Chairman—

Mr. BRITTEN. Mr. Chairman, I make a point of order against the language. It is legislation on an appropriation bill. It is in the nature of an allowance to an officer of the Navy. He is not an officer until he gets into the academy. He does not get this allowance until after he is inducted into the academy and made an officer of the United States Navy. The

language properly belongs as legislation to the Committee on Naval Affairs.

Mr. KELLEY of Michigan. Mr. Chairman, if you will notice the language which I sent to the desk, it says "and for mileage, at 5 cents per mile, to midshipmen entering the Naval Academy." It does not say candidates for midshipmen, but for midshipmen entering the Naval Academy. That means after they are appointed. Now, if they are appointed at the place of residence, which the Secretary has a perfect right to do, they will be entitled to this mileage. They would be entitled to the regular mileage of officers traveling under orders, at 8 cents per mile, the very moment they receive the appointment and are sworn in as officers of the Navy. If the Secretary changes the regulations and appoints them at their homes the regulation is so changed that the appointments can be made before they leave their homes, then they are officers traveling under orders and would be entitled to 8 cents a mile. This provides for 5 cents, which is a reduction from the existing law, and is in order under the Holman rule.

The CHAIRMAN. What is the existing law?

Mr. KELLEY of Michigan. Eight cents a mile for officers traveling under orders.

The CHAIRMAN. Does the gentleman know when they are appointed in the Naval Academy as midshipmen?

Mr. KELLEY of Michigan. As soon as they receive the appointment they are appointed as midshipmen. That is the title which they receive upon appointment. And if that appointment is made at their homes, they immediately become officers and take the oath of office, and are entitled to mileage that any other officer receives.

Mr. MANN of Illinois. Will the gentleman yield for a question?

Mr. KELLEY of Michigan. Certainly.

Mr. MANN of Illinois. Would not this provision authorize the Secretary of the Navy to pay a midshipman for travel prior to the time he was a midshipman?

Mr. KELLEY of Michigan. I do not think so, Mr. Chairman, for the reason that it says "for mileage, at 5 cents per mile to midshipmen entering the Naval Academy." Now, then, the basis for paying 5 cents a mile, or 8 cents a mile, is the fact of being officers of the Navy. They could get 8 cents a mile if it were not for this language reducing the allowance to 5 cents.

Mr. MANN of Illinois. I am inclined to think if they could get 8 cents a mile this amendment would not be offered. But under the language of the amendment, if a man travels to Annapolis and then enters as a midshipman, would not he be authorized to receive payment for his travel before he was a midshipman? Is there any restriction in this provision at all as to what the travel pay shall be?

Mr. KELLEY of Michigan. The assumption would be, of course, that the Comptroller of the Treasury would administer this according to law. There would be no authority for paying anybody traveling allowances before he was an officer.

Mr. MANN of Illinois. If that is the case, if that would be the ruling, I would suggest to the gentleman that he had better withdraw his amendment and have it properly fixed in the Senate, because I believe that these men who do travel from distant parts of the country to Annapolis really ought to be paid their expenses of travel.

Mr. KELLEY of Michigan. If they are appointed.

Mr. MANN of Illinois. If they are appointed. But if the gentleman's amendment would not do that, then what on earth is the use of putting it in?

Mr. KELLEY of Michigan. It restricts the mileage to 5 cents.

Mr. MANN of Illinois. Oh, no; that is not the reason. Tell that to the Marines, but not to me.

The CHAIRMAN. The Chair sustains the point of order. The Clerk will read.

The Clerk read as follows:

Contingent, Navy: For all emergencies and extraordinary expenses, exclusive of personal services in the Navy Department or any of its subordinate bureaus or offices at Washington, D. C., arising at home or abroad, but impossible to be anticipated or classified, to be expended on the approval and authority of the Secretary of the Navy, and for such purposes as he may deem proper, \$50,000.

Mr. BRITTEN. Mr. Chairman, I make the point of order against the entire paragraph.

The CHAIRMAN. The gentleman will state his point of order.

Mr. BRITTEN. It is legislation upon an appropriation bill. It was added to an appropriation bill as legislation, and its consideration properly belongs to the Committee on Naval Affairs. I make the point of order against it.

Mr. BLANTON. Mr. Chairman, will the gentleman yield?

Mr. BRITTEN. Yes.

Mr. BLANTON. I want the gentleman from Illinois to understand that he has got some friends in the House to prevent a possible physical catastrophe happening to some of our steering committee. I fancy if they had ever seen the gentleman from Illinois perform with boxing gloves they would not be crowding him so much over there. [Laughter.]

Mr. BRITTEN. Mr. Chairman, I make the point of order against the paragraph.

Mr. KELLEY of Michigan. Mr. Chairman, I cited to the Chair a little while ago the authority for another proposition, section 4015 of Hinds' Precedents, as to the emergency fund, which squarely ruled upon the point. I think I read a decision a few moments ago, based upon a provision that an emergency fund for the maintenance of the Navy to be expended in the discretion of the President, was held to be a limitation and in order on an appropriation bill.

The CHAIRMAN. This paragraph does appear to carry legislation, "to be expended on the approval of the Secretary of the Navy." If the gentleman makes the point of order against the paragraph the Chair will be obliged to sustain it.

Mr. KELLEY of Michigan. I call attention to the fact that that was the particular ground on which the point of order was made when this original case was decided, that the language, "to be expended under the direction of the President" made it subject to the point of order. But the chairman overruled the point of order, and held that it was a mere limitation upon the expenditure, and not in any way interfering with the authorization of it.

The CHAIRMAN. The Chair sustains the point of order.

Mr. KELLEY of Michigan. Mr. Chairman, I send an amendment to the Clerk's desk.

The CHAIRMAN. The gentleman from Michigan offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 4, line 1, insert the following at the top of the page: "Contingent, Navy: For all emergencies and extraordinary expenses, exclusive of personal services in the Navy Department or any of its subordinate bureaus or offices at Washington, in the District of Columbia, arising at home or abroad, but impossible to be anticipated or classified, to be extended on the approval and authority of the Secretary of the Navy, \$50,000."

Mr. BRITTEN. Mr. Chairman, the amendment is legislation, pure and simple, on an appropriation bill, and is in substance the language which the Chair has just ruled out.

The CHAIRMAN. Does the gentleman make the point of order?

Mr. BRITTEN. Yes.

Mr. KELLEY of Michigan. I understood the Chair to object to the language "and for such other purposes as he may deem proper," but not to the language "to be expended under the direction of the Secretary," because that has been sustained under former rulings, so that I sent up an amendment with the objectionable language stricken out.

The CHAIRMAN. The Chair overrules the point of order.

Mr. POUL. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from North Carolina moves to strike out the last word.

Mr. POUL. Mr. Chairman, there are a few observations that I would like to make with respect to this bill under consideration. This is my twentieth year of service as a Member of this House. During that time I have consistently followed the policy of aiding in building a great Navy. I wanted my country to have a Navy which would not be conquerable by the navy of any nation of the earth. I voted for the largest number of battleships and submarines, for the biggest appropriations contained in the several naval appropriation bills. I remember very well, under Mr. Roosevelt's administration, that he recommended, with great force, characteristic of the man, four battleships, and I was one of a very small minority. I regret to say, on this side of the aisle who voted for the appropriation for four battleships. I was criticized for that vote, but those who criticized my course have been generous enough to admit that subsequent events vindicated my vote.

I had hoped, Mr. Chairman, that the time would come when I could cease to vote for these enormous appropriations. With all my heart and soul I hoped and believed the result of the World War would put a stop to this enormous waste. A battleship is of little use except to kill or destroy. It has been stated time and again here that out of every dollar of appropriations made by the Congress almost 90 per cent goes for the purpose either of military or naval preparedness. Think of that, if you please. That statement ought to be posted on the walls of every home in America.

God help us if this thing is to continue. And yet I stand here to-day, Mr. Chairman, sick at heart, and say with regret that I see not one single ray of hope for those who are trying to put

an end to these ruinous appropriations for military and naval preparedness. The chairman of the Committee on Military Affairs made a very striking statement on this floor the other day. It was a statement well calculated to shock, but it was nevertheless true. He made the statement that to-day America is without a friend among the great nations of the earth. So far as I am concerned, as much as I regret it, I feel that I have no choice. I shall continue to vote to build up an unconquerable Navy. I shall continue to vote for a Navy, not as great as the greatest navy of the world, but I shall vote, if I am given an opportunity to do so, for a navy which can defeat the navy of any other nation. [Applause.]

Do not, I beg you, misunderstand my position. I would prefer an agreement to disarm. I fervently hope the day will come when the civilized Christian nations will by common agreement stop building these engines of death, but that day is not yet in sight. I do not want to vote for a navy just big enough to be whipped, and as much as my heart revolts against it I shall continue the course I began here 20 years ago—to make America unconquerable on the sea.

Now, I think a mistake was made with respect to the Army. I hate to say it. God knows I wish it were otherwise. But I think you have cut the Army down a little too small. I have given this subject a good deal of thought, and I say here and now that I believe we may as well get ready to fight. We have no friend among the nations of Europe. Some of them look upon us with jealousy, some with hate. Oh, what an opportunity we had! While I did not rise to discuss that question, I can not help bringing these remarks to a close by saying that whoever is responsible for the defeat of the League of Nations will, in my humble judgment, be guilty of the greatest crime against humanity that has been committed in the entire history of this world. [Applause on the Democratic side.]

The CHAIRMAN. The time of the gentleman from North Carolina has expired. The question is on agreeing to the amendment.

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Temporary government for West Indian Islands: For expenses incident to the occupation of the Virgin Islands and to the execution of the provisions of the act providing a temporary government for the West Indian Islands acquired by the United States from Denmark, and for other purposes, approved March 3, 1917, to be applied under the direction of the President, \$343,440.

Mr. BRITTEN. Mr. Chairman, I make the point of order against the entire paragraph as being legislation on an appropriation bill. It was added as such, and I can find no authority for the language under the law.

Mr. KELLEY of Michigan. Mr. Chairman, the paragraph tells where the authority can be found—the act of March 3, 1917—for the government of these islands.

Mr. WINGO. Mr. Chairman, will the gentleman permit me?

Mr. KELLEY of Michigan. Yes.

Mr. WINGO. The obligations of the treaty require this.

Mr. KELLEY of Michigan. Yes; the obligations of the treaty require this. This is an act passed in furtherance of the treaty, and the act itself sets out the paragraph under which the appropriation is in order.

Mr. BRITTEN. If that is correct, then this committee could authorize an appropriation of \$1,000,000 for practically anything in the Virgin Islands, without having it referred to any other committee of the House, as pure legislation relating to those islands.

Mr. KELLEY of Michigan. Mr. Chairman, the Navy is the governing body of the Virgin Islands, both under the treaty and under the statute.

The CHAIRMAN. The Chair is of the impression that under the provisions of the statute which were enacted under the authority of the treaty jurisdiction in governmental matters of the Virgin Islands was given temporarily to the Navy Department.

Mr. KELLEY of Michigan. The Chair is right, and the Navy is now in actual control.

The CHAIRMAN. The President is authorized to assign a naval officer there to exercise that jurisdiction, and the act also authorizes the appropriation of money for the expenses incident to the jurisdiction conferred. The Chair thinks this language is fully authorized, and overrules the point of order.

Mr. BEE. Mr. Chairman, I move to strike out the last word, for the purpose of asking the gentleman from Michigan a question. Some months ago a commission was appointed to go to the Virgin Islands to look over the question of establishing a civil government. Has anything been done there by that commission or by Congress with reference to carrying out the purposes of that commission?

Mr. KELLEY of Michigan. So far as I am advised, that matter is before the Committee on Insular Affairs. The gentleman from Iowa [Mr. TOWNER] and others, I think, went down there and looked the islands over, and came back last year and recommended the amount that we then carried in the bill.

Mr. BEE. Did they also recommend that there be a continuance of the naval control instead of civil control?

Mr. KELLEY of Michigan. I do not recall as to that.

Mr. BEE. In other words, it has occurred to me that perhaps the government of these islands ought to be a civil government and that the Navy Department ought to be relieved of that responsibility. I wanted to know whether anything had been done in that regard.

Mr. KELLEY of Michigan. Nothing has been done.

The CHAIRMAN. The pro forma amendment is withdrawn, and the Clerk will read.

The Clerk read as follows:

Expenses, civilian naval consulting board: For actual expenses incurred by and in connection with the civilian naval consulting board, including the services of one clerk, at \$1,400 per annum, for duty in connection with the board at Washington, D. C., \$5,000.

Mr. BRITTEN. Mr. Chairman, I make the point of order against the paragraph as being legislation on an appropriation bill; the words—

For actual expenses incurred by and in connection with the civilian naval consulting board—

having been added to an appropriation bill in 1916, and the balance referring to the pay—

including the services of one clerk, at \$1,400 per annum, for duty in connection with the board at Washington, D. C.—

having been included as legislation on an appropriation bill in 1919, both sections of the paragraph being legislation enacted on an appropriation bill. I make the point of order against it.

Mr. KELLEY of Michigan. Mr. Chairman, I think this paragraph is subject to a point of order. I want to say, however, that this board was created by order of the President or the Secretary of the Navy, I have forgotten which, and it is made up of the most highly scientific men in America.

Mr. MADDEN. It was appointed during the war?

Mr. KELLEY of Michigan. During the war, and it is functioning in a limited way yet. Last year I think the expenses of it were something like \$500. The chairman of this board is Mr. Thomas A. Edison—

Mr. MADDEN. This is a war measure, and the war is still on. It is not subject to the point of order. It is under the war powers of the President.

Mr. KELLEY of Michigan. I should very much dislike to see the paragraph eliminated from the bill, because of the personnel of the board and the great service they rendered during the war. The gentleman from Illinois [Mr. MADDEN] adds that it was a war-emergency authority which still continues, this country being still technically at war. I had not thought of that phase of it, but I am going to ask the gentleman from Illinois [Mr. BRITTEN] if he will not humor me a little by withdrawing his point of order to this paragraph and let it stand.

Mr. BRITTEN. Mr. Chairman, I should like to humor the gentleman to the fullest extent, and to withdraw all of my points of order, but there is a principle attached to my labors here this afternoon.

The CHAIRMAN. Does the gentleman insist on his point of order?

Mr. BRITTEN. Yes; I do.

Mr. MADDEN. Mr. Chairman, I should like to be heard on that. Under the war powers of the President he created this activity. He had the power to do it. He still has that power. It has not been repealed. We are still in a technical state of war, and I maintain that this is perfectly in order until the war ceases.

Mr. BUTLER. Was this board created in 1916 or 1917?

Mr. BRITTEN. In 1916, before we declared war.

Mr. BUTLER. I suggest to the gentleman that he withdraw the point of order.

The CHAIRMAN. Does the gentleman from Pennsylvania desire to discuss the point of order?

Mr. BUTLER. I do not. I only desire, because of the earnest request of the gentleman from Michigan, that the gentleman from Illinois withdraw his point of order.

Mr. BRITTEN. Will the gentleman yield for a question?

Mr. BUTLER. Yes.

Mr. BRITTEN. What will my leader on the Committee on Naval Affairs say to me if Gov. KELLEY repeats his request?

Mr. BUTLER. I will not make any other similar request. This board is composed of highly scientific men, like Mr. Edison. I know the views of Gov. KELLEY on this, and one of the things that he is always particular about is this board.

Mr. BRITTEN. That is very true.

Mr. BUTLER. I want to ask my young friend to accede to Gov. KELLEY's request.

Mr. BRITTEN. I withdraw the point of order at the request of the chairman of the Committee on Naval Affairs.

The CHAIRMAN. The point of order is withdrawn, and the Clerk will read.

The Clerk read as follows:

Aviation, Navy: For aviation, to be expended under the direction of the Secretary of the Navy, as follows: For aircraft and accessories in course of construction or manufacture on June 30, 1921, \$440,000; for navigational, photographic, and aerological equipment, including repairs thereto, for use with aircraft built or building on June 30, 1921, \$49,250; for maintenance, repair, and operation of aircraft factory, helium plant, air stations, fleet activities, testing laboratories, and for overhauling of planes, \$4,534,181; for continuing experiments and development work on all types of aircraft, \$1,615,000; for drafting, clerical, inspection, and messenger service for aircraft stations, \$275,000; in all, \$6,913,431: *Provided*, That the Secretary of the Navy is hereby authorized to consider, ascertain, adjust, determine, and pay out of this appropriation the amounts due on claims for damages which have occurred or may occur to private property growing out of the operations of naval aircraft where such claim does not exceed the sum of \$500: *Provided further*, That all claims adjusted under this authority during any fiscal year shall be reported in detail to the Congress by the Secretary of the Navy: *Provided further*, That no part of this appropriation shall be expended for maintenance of more than six heavier-than-air stations on the coasts of the continental United States: *Provided further*, That no part of this appropriation shall be used for the construction of a factory for the manufacture of airplanes.

Mr. BRITTEN. Mr. Chairman, I reserve a point of order against the entire paragraph.

Mr. KNUTSON. Pending that I should like to ask the chairman of the committee a question if I may.

Mr. KELLEY of Michigan. Had not the gentleman better wait until we see about this point of order? What is the point of order?

The CHAIRMAN. Will the gentleman from Illinois state his point of order?

Mr. BRITTEN. There is no authority in law for aviation in the Navy. Aviation in the Navy has been built up from time to time by current legislation. I am quite certain that the provisos are subject to a point of order. I am in doubt as to just how much of the language down to the proviso in line 7, page 5, is subject to the point of order.

The first proviso, beginning on line 7, page 5, is subject to a point of order, and I make the point of order that the language beginning on line 7, page 5—

Provided, That the Secretary of the Navy is hereby authorized to consider, ascertain, adjust, determine, and pay out of this appropriation the amounts due on claims for damages which have occurred or may occur to private property growing out of the operations of naval aircraft, where such claim does not exceed the sum of \$500—

is legislation on an appropriation bill.

Mr. KELLEY of Michigan. Mr. Chairman, if it will shorten the matter, I will concede that it is subject to the point of order.

The CHAIRMAN. The Chair sustains the point of order made by the gentleman from Illinois as to the proviso on page 5, beginning on line 7.

Mr. BRITTEN. And, Mr. Chairman, I make a point of order against the second proviso and the third proviso, beginning on line 15.

Mr. KELLEY of Michigan. The third proviso is not subject to a point of order, being a limitation on the appropriation.

The CHAIRMAN. Does the gentleman from Michigan concede the point of order to the second proviso?

Mr. KELLEY of Michigan. Yes.

The CHAIRMAN. The Chair sustains the point of order. Does the gentleman from Michigan concede the point of order to the third proviso?

Mr. KELLEY of Michigan. Not at all.

Mr. BRITTEN. Mr. Chairman, I withdraw the point of order as to the third proviso, and I withdraw any further points of order on the paragraph.

Mr. KNUTSON. Mr. Chairman, I move to strike out the last word. I wish to ask the chairman of the committee if the sum carried in this item provides for the continuation of airship construction.

Mr. KELLEY of Michigan. The gentleman has reference to the one that is to be constructed at Lakehurst. I will say to the gentleman that the bill carries only \$480,000 for aircraft and accessories in the course of construction and manufacture on June 30, 1921. I am not quite sure whether any of that material has been actually fabricated, but it probably will be before June 30, 1921. If it were, then it will be a matter of administration for the Secretary of the Navy to use a portion of that fund to carry the work along.

Mr. KNUTSON. The gentleman from Indiana [Mr. WOOD] is a member of the committee, and I will ask him.

Mr. WOOD of Indiana. The bill provides "for continued experiments and development work on all types of aircraft, \$1,615,000."

Mr. KNUTSON. Will that allow the completion of the work at Lakehurst?

Mr. WOOD of Indiana. I do not know where it would be done.

Mr. KNUTSON. But the gentleman would understand that this is for consumption of that kind?

Mr. WOOD of Indiana. It authorizes the continuation of experiments and development work on all types of aircraft.

Mr. HICKS. Mr. Chairman, I offer an amendment which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. HICKS: Page 5, after the colon, following the figures "\$275,000," on line 6, add: For necessary heavier-than-air craft, \$4,000,500; for necessary lighter-than-air craft, \$670,000; for necessary equipment for such aircraft, \$500,000; for new construction, buildings, and improvements at air stations as follows: Cape May, \$25,000; Coco Solo, \$402,000; Hampton Roads, \$78,000; Lakehurst, \$360,000; Pearl Harbor, \$210,000; Pensacola, \$100,000; San Diego, \$164,000; Pacific Coast Rigid Station, \$1,450,000.

Mr. MONDELL, Mr. MADDEN, and Mr. BLANTON reserved points of order.

Mr. MADDEN. It is new legislation, not authorized by law.

Mr. MONDELL. It is new construction, not authorized by law.

Mr. BLANTON. I make the point of order.

Mr. HICKS. Will not the gentleman reserve it?

Mr. BLANTON. We have spent nearly all day and have not made any progress on the bill. The gentleman from Wyoming has promised to give us a recess after we get through with this bill and the fortification bill. The gentleman from Wyoming shakes his head, and I shall have to make the point of order.

Mr. MONDELL. I did not shake my head.

The CHAIRMAN. The gentleman will state his point of order.

Mr. BLANTON. It is new legislation on an appropriation bill, unauthorized by law. It is for new construction entirely unauthorized by any provision of law.

The CHAIRMAN. Does the gentleman from New York wish to be heard on the point of order?

Mr. HICKS. Yes; Mr. Chairman, with the courtesy of the House, I want to say a word or two as to the necessity of these items.

In the appropriation bill before us there is nothing providing for new aircraft of any kind or for new construction at stations. As the members of the committee know, aircraft are extremely fragile articles. They do not last over 12 or 14 months, and unless we supply new aircraft to the Navy in this bill aviation will have to be curtailed very materially. The chairman of the subcommittee on appropriations did not feel that he could report an item of this kind because of lack of jurisdiction, but I understand he is willing to agree to this amendment in case we get it before the committee, for he realizes the importance of having new aircraft and in having these improvements at the air stations.

I shall address myself now to the point of order. I am not going to endeavor to interpret the new rule under which appropriations are being made. It is too difficult a task to endeavor to understand the meaning of that rule, but I respectfully call the attention of the Chair to the resolution which was passed on June 1, in which certain rules were amended. The rule respecting the subjects to be considered by the Committee on Naval Affairs was amended to read as follows:

The Naval Establishment, including the increase or reduction of commissioned officers and enlisted men and their pay and allowances, and the increase of ships or vessels of all classes of the Navy, to the Committee on Naval Affairs.

I desire first to address my argument to the new rule in conjunction with a ruling in Hinds' Precedents which makes in order an amendment appropriating for a new and otherwise unauthorized battleship. Let me refer, if I may, to the old rule that pertained to items relating to the Naval Establishment. It provided that matters pertaining to the Naval Establishment should be referred to the Committee on Naval Affairs without specifying what they were. Why was that rule amended? Is it not fair to assume that the rule was amended so that there could be no confusion, no uncertainty as to where the jurisdiction should lie for an increase in vessels of the Navy, giving authority for new ships exclusively to the Committee on Naval Affairs? It seems to me that is the only fair and logical conclusion that we can draw from the amendment that we adopted last June.

Let me state what the precedent was in Hinds, because I am claiming that the Naval Affairs Committee has jurisdiction over this matter of aircraft and new ships and new construction, and my amendment has the sanction of that committee.

Mr. SNELL. Mr. Chairman, will the gentleman yield?

Mr. HICKS. Yes.

Mr. SNELL. I am getting somewhat confused by the gentleman's argument. Is the gentleman arguing that the Naval Affairs Committee or the Appropriation Committee has jurisdiction?

Mr. HICKS. The Naval Affairs Committee has jurisdiction over new types of vessels for the Navy, and this amendment of mine, while it comes from a legislative committee having jurisdiction, is in substance an appropriation. I hold it is in order under the precedent referred to.

Mr. SNELL. I know, but this is a bill reported by the Committee on Appropriations.

Mr. HICKS. I understand, and my amendment is an appropriation, but let me complete my argument.

Mr. MONDELL. But—

Mr. HICKS. I will not yield for the moment. I am going to cite the decision from Hinds' Precedents, which, as I understand, has never been overruled and is still looked to as the basic precedent in relation to the increase of the Navy. I quote from Hinds' Precedents, section 3723, volume 4:

By a broad construction of the rule, the principle of which is not generally applied in other matters, an appropriation for a new and not otherwise authorized vessel of the Navy is held to be for continuation of a public work.

I want to read what the Chair said when he rendered that decision, because I believe that is the basis of a great many things which we have done and which we will have to do with respect to the Navy. In that case the point of order was made against an amendment calling for the construction of two new battleships. In overruling the point the Chair stated as follows:

* * * If the work be a public work, or if the object is a public object, and it is already in progress, there need not be any previous legislation authorizing it. The Chair believes that the construction of a navy is a public object or a public work, and the language of the bill which we have been considering, and the appropriation made at the last session, show that construction of the Navy is in progress.

The Government has undertaken to maintain, and is annually maintaining, a Naval Establishment, and under the rule appropriations may be made for it in a general appropriation bill, and such has always been the practice until last session. * * *

There is no law prescribing the number of ships that shall constitute the Navy or the number of guns they shall carry.

It seems to me, Mr. Chairman, that in the first place the Committee on Naval Affairs, having jurisdiction over the number of ships, this amendment which I am now offering is not an amendment offered as an individual Member of Congress, but an amendment offered in the name and with the power and with the authority of the Committee on Naval Affairs. This amendment was considered by our committee and hearings were held upon it. Let me repeat, it is not a legislative proviso, but an appropriation to an appropriation bill.

I claim this amendment is in order under the precedent I have just referred to. It may be claimed that the Appropriation Committee could not bring in such an amendment. Of that I do not know. If my contention is not sound and the amendment should stand solely on the ground that it is an appropriation, and I am not sure but what this is the safest contention, then I will approach the subject from an entirely different angle. I rest my argument wholly upon the precedent already referred to and contend that it is in order as a continuation of a public project. Aviation is just as much an essential part of the Navy as are the submarines or the mine destroyers. It is not an experiment but a reality; not a theory but a fact; and I claim it is a public work and that aviation is a necessary arm of the service. Some may answer that aircraft are not vessels under the meaning of that term. I concede that according to the old maritime law of Great Britain, which to a large extent we have followed, it was held until lately that a ship was a vessel to navigate the waters, propelled by some other means than by oars, but in Funk & Wagnall's Dictionary I find the following definition of a ship. In addition to a vessel for surface navigation there is this definition:

Something resembling a ship. To be specific, a vessel for navigating the air, as an airship.

I claim that a vessel of the air, an airship, is as much a ship as a vessel floating on the surface of the water. Should there be further disputation that airships do not come under the title of ships as separate units, then let me advance this line of thought and suggest that they are necessary adjuncts of the ship itself, as essential as guns or instruments.

I claim that an airship is nothing more or less than the projection of the masts of a ship above the water and of the guns on that ship. You do not have to authorize the number of masts which a warship shall have, and we do not authorize the number of guns that the warship shall carry. On every warship we have on the mast a crow's nest, and in that nest men are stationed for purposes of observation. They are there to

scan the horizon for enemy craft and to detect the effect of gunfire, and when we send up into the air a balloon or an airplane we are merely carrying upward into the air, or projecting into distance, the observers in that crow's nest, giving them greater facilities of observing the enemy and of noting the fire of our guns. In other words, that airplane or balloon is merely projecting the observation station on the mast; and I claim also that the guns are projected by means of aircraft.

Instead of a range of 20 miles from a 16-inch gun, by having an airplane leave the deck of the vessel, or leave the turret of the vessel—and many of these ships now have constructed from the turret to the muzzle of the gun a run-off platform—when these aircraft leave a warship equipped with offensive weapons, such as a torpedo or bomb, they are only increasing the firing range of the gun itself by carrying perhaps 200 miles the high-explosive charge before launching it at the enemy target. So on this contention, Mr. Chairman, I hold that under the broad authority of the Navy Department to supply vessels of war with essential equipment, the specific authorization for which does not have to be made, this amendment is in order. As to the construction items, I will speak of that later if desired.

The CHAIRMAN. Will the gentleman from New York permit the Chair to propound an inquiry?

Mr. HICKS. I will; certainly.

The CHAIRMAN. Does the gentleman admit that this is a provision for an increase in the ships or vessels of the Navy?

Mr. HICKS. I did not catch the query.

The CHAIRMAN. Does the gentleman from New York admit that his amendment provides for an increase of the vessels of the Navy?

Mr. HICKS. Yes, sir; I do, and have recited the ruling in *Hinds* to support it.

The CHAIRMAN. Does the gentleman from Wyoming desire to be heard on the point of order?

Mr. MONDELL. Mr. Chairman, I rise to the defense of the Committee on Naval Affairs in its jurisdiction and as against the assault of the dignity and jurisdiction of that committee by members of the committee. We have heard a good deal here in the last few days about matters of principle in connection with points of order, and we have been told that it was a matter of principle to make a point of order against an item that had been carried by common consent in an appropriation bill for many years and which everyone, including the gentleman who made the point of order, approved both as to its purpose and its amount. We have been told that was a matter of principle. It has been a little difficult for some of us to understand just what the principle was or where it came in, but at any rate we had an idea that no matter how mistaken may have been the idea of the utilization of those opportunities to make points of order the purpose may have been a hazy notion of protecting the jurisdiction of the legislative committee. Mr. Chairman, I feel it is my duty to do that. I think it is highly important that under the new rules under which appropriations are made by one committee that committee shall not be allowed under any pretext, after the opportunity for legislation has been had covering the matter, to encroach upon the jurisdiction of the legislating committees, yet to-day we have the remarkable spectacle of a member of a legislative committee endeavoring to argue away the entire or at least the most important jurisdiction of the committee of which he is a member by claiming that you may place on an appropriation bill reported by the Committee on Appropriations an item for a new program of new ships for the Navy—in this case, ships of the air. Mr. Chairman, such an item would not be in order on this bill if there were no provision in the new rule, such as has been referred to, even though the new rule did not specifically retain within the jurisdiction of the Naval Committee the matter of increase of ships and vessels. Under the general rules of the House the Committee on Appropriations would have no authority to present an item of this kind for new construction. But in this case we have the specific provision of a rule clear, definite, and unmistakable, and this being true, the Committee on Naval Affairs will be saved from this attempted assault upon its authority and jurisdiction by one of its members.

Mr. MANN of Illinois. Will the gentleman yield for a question?

Mr. MONDELL. Yes.

Mr. MANN of Illinois. Largely for information. Under the old rule it was in order on an appropriation bill to provide for a new vessel in the Navy of a type already in existence. Under the change of rules, is that eliminated so that now there can be no increase of any type of vessel in the Navy without having previous legislation each year authorizing what the increase shall be?

Mr. MONDELL. I am inclined to think so.

Mr. MANN of Illinois. So that hereafter if that rule is followed if you have a thousand airships in the Navy you can not make it a thousand and one any year without having previous legislative authority to do it and enact it into law, passed by both Houses of Congress and signed by the President?

Mr. MONDELL. Oh, no; not necessarily. Provision may be made for a specific number. The legislative committee having the matter in charge may make general provision by limitation, or it may provide specific authority, but without some authority, general or specific, from the legislative committee it seems quite clear under the rule that we have adopted that the Committee on Appropriations could not provide for new vessels, which, I think, would include airships.

Mr. MANN of Illinois. So that hereafter if that rule is to be followed, there can be no increase of a rowboat in the Navy unless you have legislation in advance authorizing that vessel?

Mr. MONDELL. I think that is true as to vessels. I doubt if it includes rowboats, but of course this is also true—

Mr. MANN of Illinois. It goes quite a ways.

Mr. MONDELL. I realize it does; but it is intended to protect the legislative committees against encroachment by the appropriating committee.

Mr. MANN of Illinois. Well, I do not know; I really had no idea anybody in the House—

Mr. MONDELL. I say my view of it is this, and this is borne out by the rulings of the Chair. There are a variety of governmental activities which are essential appropriations for which have been held not in order on an appropriation bill previously, and I think properly, by Chairmen. For instance, it has been held we can not hire an Indian policeman now without legislation on the subject by the proper legislative committee. All this being true, there must be legislation by the legislative committees before we can pass these bills free from points of order. I hope we may have that legislation early in the new session. It will become the duty of the legislative committees of the new Congress, a duty which I hope they will address themselves to promptly, vigorously, and actively, to draft the necessary legislation to provide the proper and essential authority under which the appropriating committee may appropriate. Just how that will be done in certain cases I do not pretend to say. Returning to the matter in hand, I do know that new construction, using the term in its general sense, has not been held to be authorized on appropriation bills unless provided for by the legislative committee.

The CHAIRMAN. Will the gentleman from Wyoming permit the Chair to ask him a question? Does the gentleman from Wyoming contend that the amendment of the gentleman from New York [Mr. Hicks] is subject to a point of order?

Mr. MONDELL. The Chair comes from New England. May I ask the Chair, with all due deference, if he understood that the gentleman from New York was arguing that his amendment was in order?

Mr. BLANTON. Mr. Chairman, I make the point of order against the gentleman's speech. It is all right for him to question the good faith of his colleague, the gentleman from New York, but not of the Chair.

The CHAIRMAN. The Chair overrules the point of order of the gentleman from Texas. The Chair understood that the gentleman from New York [Mr. Hicks] submitted an argument to the Chair to the effect that his amendment was in order.

Mr. MONDELL. Mr. Chairman, I endeavored to the best of my ability to convince the Chair that the amendment was not in order; that it would not be in order under the ordinary rules of the House; that it certainly is not in order in view of the new rule which provides specifically that jurisdiction over the authorization for new vessels should rest with the Committee on Naval Affairs.

The gentleman from New York [Mr. Hicks] submitted a curious argument—at least, it seemed to me curious—while arguing, as I understood it, that his motion was in order, he also argued, if I understood him, at the same time that it was not in order, but was made in order because presented by a member of the Naval Committee. That is a rather attenuated and extraordinary line of reasoning, it occurs to me, to the effect that the authority of committees may be invoked and exercised by individual members of the committees offering amendments from the floor.

Mr. SNELL. Mr. Chairman, I would like to have one minute. My colleague from New York [Mr. Hicks] made a very long argument and a very good one, but if I understand the point before the House he did not touch on it a single minute. He was arguing all the time as to what the Committee on Naval Affairs is doing. That committee is not before the House with

a bill at the present time. This is a matter entirely with the appropriating committee, that has no power of legislation, and for that reason the whole argument of the gentleman did not touch the point before the House now. Everybody admits it is new legislation, and it positively can not be permitted at this time. We are not operating under the old rules. This is an appropriating committee.

Mr. BUTLER. Does not the gentleman think it would be in order, if it were not for the new rule, because we have been appropriating for years for ships of the same style, and this is the same style of airship we appropriated for last year?

Mr. SNELL. The rule is in existence, and we are operating under that at the present time.

Mr. BUTLER. I understand.

Mr. HICKS. I would like to ask my colleague if he thinks that the old precedent I have cited has been abrogated by this new rule?

Mr. SNELL. Yes; for the simple reason that we were not operating at that time under it, and the Naval Affairs Committee has nothing before the House.

The CHAIRMAN. The Chair is ready to rule, if gentlemen desire the Chair should rule now.

The gentleman from New York [Mr. HICKS] has offered an amendment to provide for necessary heavier-than-air craft and necessary lighter-than-air craft, necessary equipment, and so forth, and new construction work, to which the gentleman from Texas [Mr. BLANTON] makes the point of order that it is not in order upon an appropriation bill. The Chair believes that because of the adoption of a new rule placing the appropriations for the Naval Establishment in the Appropriations Committee and changing somewhat the jurisdiction of the Committee on Naval Affairs, that it would be well to direct the attention of the committee to paragraph 13 of Rule XI as amended, which paragraph is a part of the rule, the first part of which reads as follows:

All proposed legislation shall be referred to the committees named in the preceding rule as follows, viz: Subjects relating to the Naval Establishment, including increase or reduction of commissioned officers and enlisted men and their pay and allowances, and the increase of ships or vessels of all classes of the Navy, to the Committee on Naval Affairs.

The gentleman from New York contends, if the Chair understood him correctly, that he offers this amendment with the approval of the Naval Committee, of which he is a member.

Mr. HICKS. If the Chair will permit, and also by the direction of the Naval Affairs Committee.

The CHAIRMAN. With the approval and direction of the Committee on Naval Affairs, of which the gentleman from New York is a member. And the Chair is, of course, willing to accept the statement of the gentleman from New York that that is correct, and assumes that the committee may have taken action upon the proposed amendment authorizing the gentleman from New York to offer it to this particular bill, but this authority adds nothing to the question.

Heretofore, under the rules of the House as interpreted by the various presiding officers, the addition of a new ship might be provided for in an appropriation bill which was, under the former rules, reported by the Committee on Naval Affairs. The Chair believes that under the language of the new rule, which seems to be plain and specific, that the increase of ships and vessels of all classes of the Navy is a matter now solely within the jurisdiction of the Committee on Naval Affairs, and that if it is desired to increase the number of ships or vessels of any particular class within the Naval Establishment hereafter the requirements of that rule will make it necessary that there be specific or general legislation authorizing it.

The Chair is not aware of any such legislation, nor has any been called to his attention, which would permit the increase provided for in the amendment. Therefore, the Chair sustains the point of order.

Mr. LITTLE. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman from Kansas will state his parliamentary inquiry.

Mr. LITTLE. Under the former naval appropriation bills reported from the Committee on Naval Affairs would these things now under discussion have been considered to be new legislation put in an appropriation bill from the Naval Committee?

The CHAIRMAN. The Chair does not exactly understand the gentleman's inquiry.

Mr. LITTLE. Suppose that the Committee on Naval Affairs, under the former rules, had brought in this appropriation bill; do I understand that they could have inserted this provision in the bill at first?

The CHAIRMAN. The Chair would state that under the former rules, as interpreted, the addition of an additional ship

in an appropriation bill was held to be in order as the continuation of a public work.

Mr. LITTLE. Now, I return to the inquiry I was trying to make: Would that have been considered new legislation in that bill? It seems it is in order to add a ship.

The CHAIRMAN. The Chair does not know what the gentleman means by that.

Mr. LITTLE. As I understand the former rule, if they had undertaken to put anything in the way of new legislation in their appropriation bill it would have been out of order.

The CHAIRMAN. It would not have been out of order if it provided for the continuation of a public work in the Naval Establishment.

Mr. LITTLE. I have not been able evidently to make my parliamentary inquiry quite clear to the Chair. I think I can restate it better. Under the old system they could bring in an appropriation bill from the Committee on Naval Affairs and could add a ship. Was that because of the fact that they were authorized to put new legislation into their appropriation bills?

The CHAIRMAN. Under the rulings it was held that it was the continuation of an existing public work.

Mr. LITTLE. Then why is it not now?

The CHAIRMAN. Because the rules require now that the increase of ships and vessels of the Navy shall go to the Committee on Naval Affairs.

Mr. LITTLE. That has already been there.

The CHAIRMAN. The Chair does not desire to discuss the point of order which he has already sustained.

Mr. LITTLE. I would be glad to have the Chair explain it so that we would know what to expect in the future.

Mr. KELLEY of Michigan. I move to amend, page 5, line 15, after the word "Provided," by striking out the word "further."

Mr. BLANTON. Mr. Chairman, a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. BLANTON. I make the point of order that where a Member from the Democratic side makes a point of order against a paragraph in the bill and a Member from the Republican side merely reserves the point of order, the Chair, in deciding the point of order, should state whose point of order it is that he is deciding. The Chair in this instance stated that the point of order was made by the gentleman from Illinois [Mr. MADDEN]. As a matter of fact, he merely reserved it. The point of order was made by the "gentleman from Texas."

The CHAIRMAN. The Chair is in error, and the Chair is indeed glad to concede that the honor of making the point of order to the amendment of the gentleman from New York [Mr. HICKS] belongs to his able and genial and alert friend, the gentleman from Texas. [Laughter.]

Mr. BLANTON. It is an honor to help save hundreds of millions of dollars.

The CHAIRMAN. The Chair knows that to be the fact. The Chair regrets that he forgot that the gentleman from Texas was, as usual, on the job, making points of order when amendments were offered. The question is on agreeing to the amendment offered by the gentleman from Michigan.

The amendment was agreed to.

Mr. POUL. Mr. Chairman, I ask unanimous consent to revise and extend my remarks.

The CHAIRMAN. The gentleman from North Carolina asks unanimous consent to revise and extend his remarks. Is there objection?

Mr. McCLINTIC. Mr. Chairman, I regret, but I have objected to the others, and I have to be consistent.

The CHAIRMAN. The gentleman from Oklahoma objects.

Mr. MOORE of Virginia. Mr. Chairman, I want to ask a question of the gentleman in charge of the bill, not relative to the matter over which his committee has jurisdiction but a matter that was mentioned when the Army appropriation bill was under consideration some days ago. Has the gentleman made any investigation as to the expediency of the consolidation of the various air services? It has been stated here that the total expenditures for these services are now something like \$20,000,000 per annum. The gentleman from Indiana [Mr. WOOD], as you will recall, and probably the gentleman from Illinois [Mr. MANN], spoke on that subject, and it would be interesting to know whether the chairman of the committee has considered that subject at all or reached any conclusion about it.

Mr. KELLEY of Michigan. I will say to the gentleman, Mr. Chairman, that the Committee on Appropriations, of course, would have no jurisdiction over the general subject matter, and therefore the committee has not given it any serious consideration.

Mr. BUTLER. Mr. Chairman, will the gentleman yield?

Mr. MOORE of Virginia. Yes.

Mr. BUTLER. I will say to the gentleman that the Committee on Naval Affairs of the House, not being overloaded with work now, is spending some time on that subject. We are looking around for something to do, I will say to the gentleman. [Laughter.]

Mr. LITTLE. Mr. Chairman, I move to strike out the last two words.

The CHAIRMAN. The gentleman from Kansas moves to strike out the last two words.

Mr. LITTLE. Mr. Chairman, reverting to the previous amendment, if it was in order before the Committee on Naval Affairs when it brought in an appropriation bill, it must have been in order because it was not new legislation. If it was new legislation, it would not be in order before the Committee on Naval Affairs when it brought in its appropriation bill.

Mr. STEVENSON. Mr. Chairman, will the gentleman yield?

Mr. LITTLE. In one second. If it was new legislation it would not be in order on the naval appropriation bill at all. Therefore it could not have been new legislation. If it was not new legislation then, it is not now, and it will be just as much in order now as before the appropriation was brought here, as much as it was the old way.

Mr. STEVENSON. Is not this the rule, that under the old rule new legislation was permissible when it reduced the amount appropriated, when it put a limitation on the appropriation, and when it provided for the continuation of an existing project, and this was providing for the continuation of an existing project? It was new legislation, but it came within the exception to the rule. Is not that the case?

Mr. LITTLE. It may be.

Mr. STEVENSON. That is my understanding.

Mr. LITTLE. The gentleman has offered an argument, but the rule was that if the committee wanted to continue an existing project they could do so; but that meant that the appropriation bill was not creating new legislation when they did that, and the same rule applies here. I do not believe the gentleman's argument is decisive.

Mr. STEVENSON. I think you will find that is the rule.

The CHAIRMAN. Without objection the pro forma amendment will be withdrawn and the Clerk will read.

The Clerk read as follows:

BUREAU OF NAVIGATION.

Transportation and recruiting: For travel allowance of enlisted men discharged on account of expiration of enlistment; transportation of enlisted men and apprentice seamen and applicants for enlistment at home and abroad, with subsistence and transfers en route, or cash in lieu thereof; transportation to their homes, if residents of the United States, of enlisted men and apprentice seamen discharged on medical survey, with subsistence and transfers en route, or cash in lieu thereof; transportation of sick or insane enlisted men and apprentice seamen to hospitals, with subsistence and transfers en route, or cash in lieu thereof; transportation of enlisted men of the Naval Reserve Force to and from duty, with subsistence and transfers en route, or cash in lieu thereof; transportation of civilian officers and crews of naval auxiliaries; apprehension and delivery of deserters and stragglers, and for railway guides and other expenses incident to transportation; expenses of recruiting for the naval service; rent of rendezvous and expenses of maintaining the same; advertising for and obtaining men and apprentice seamen; actual and necessary expenses in lieu of mileage to officers on duty with traveling recruiting parties; transportation of dependents of enlisted men, \$3,500,000.

Mr. BRITTEN. Mr. Chairman, I desire to make a point of order against the entire paragraph, and specifically against certain sentences or sections thereof.

I call the attention of the Chair to the language in line 13, on page 6—

Transportation of enlisted men and apprentice seamen and applicants for enlistment at home and abroad, with subsistence and transfers en route, or cash in lieu thereof—

as being legislation on an appropriation bill, and I make the point of order specifically against the last four or five words— or cash in lieu thereof.

The CHAIRMAN. Does the gentleman make the point of order that it is legislation?

Mr. BRITTEN. Yes.

Mr. KELLEY of Michigan. Mr. Chairman, this is authorized by law. Section 2847 of the compiled statutes provides that—

The Secretary of the Navy is authorized to continue to purchase such mileage books, commutation tickets, and other similar transportation tickets as may in his discretion seem necessary, and to furnish same to officers and others ordered to perform travel on official business; and payment for such transportation tickets upon their receipt, in accordance with commercial usage, or prior to the actual performance of the travel involved, shall not be regarded as an advance of public money within the meaning of section 3648 of the Revised Statutes.

The CHAIRMAN. The gentleman from Illinois [Mr. BRITTEN] makes the point of order against the language in lines 13, 14, 15, and 16—

Transportation of enlisted men and apprentice seamen and applicants for enlistment at home and abroad, with subsistence and transfers en route, or cash in lieu thereof.

Mr. BRITTEN. Mr. Chairman, I particularly call the attention of the Chair to the language— or cash in lieu thereof.

The CHAIRMAN. The gentleman from Michigan cites section 2847 of the compiled statutes, which reads:

Mileage books or commutation tickets: The Secretary of the Navy is authorized to continue to purchase such mileage books, commutation tickets, and other similar transportation tickets as may in his discretion seem necessary, and to furnish same to officers and others ordered to perform travel on official business; and payment for such transportation tickets upon their receipt, in accordance with commercial usage, or prior to the actual performance of the travel involved, shall not be regarded as an advance of public money within the meaning of section 3648 of the Revised Statutes.

The Chair finds nothing in this section providing for furnishing travel to applicants for enlistment at home or abroad.

Mr. KELLEY of Michigan. I offer as an amendment the same paragraph with the words "and applicants for enlistment at home and abroad" stricken out.

The CHAIRMAN. The gentleman from Michigan offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. KELLEY of Michigan: Page 6, line 13, after the word "enlistment," insert "transportation of enlisted men and apprentice seamen, with subsistence and transfers en route, or cash in lieu thereof."

Mr. BRITTEN. Mr. Chairman, I contend that the paragraph is still subject to the point of order. There is nothing in the law which the gentleman from Michigan read which indicates that the Secretary is authorized to give cash in lieu of transportation.

Mr. KELLEY of Michigan. Mr. Chairman, in addition to the direct authorization contained in that paragraph, I want to call particular attention to the fact that it would be impossible to get the enlisted men from training school to ship unless they were furnished transportation. It is an incident to the enlistment of the Navy. It would be utterly useless to go to the expense of enlisting boys and putting them in the training schools and taking them through the training and then be unable to get them to the ships. It is a necessary incidental part of the movement of the men of the Navy, in addition to the fact that it is directly authorized. They could not operate the Navy without the authority to move the men about within the Navy. The Secretary can order men where he pleases within the Navy and, of course, the authority to transport them is incidental to the exercise of that authority.

Mr. BRITTEN. Mr. Chairman, there is no question about the transportation being incidental to activity in the Navy, but there is nothing in the law which suggests the giving of cash in lieu of transportation.

Mr. MADDEN. Mr. Chairman, I should like to be heard on that question.

Mr. BRITTEN. One moment, if my colleague please.

Mr. MADDEN. Certainly.

Mr. BRITTEN. The gentleman from Michigan said it would be impossible to get men from the training station to the ship. Why, the men are sent to the ship in the usual way, by transportation. Tickets are purchased. There is nothing in the law which says these men shall be given "cash in lieu of transportation." I suggest that that language is subject to the point of order.

Mr. KELLEY of Michigan. The fact is that in a great many cases there is no pay officer on board ship, and in those cases the tickets are not furnished, but the commander of the ship directs the boys to go ashore, and gives them the necessary money to pay for transportation. They may be sick. Their enlistment may be expiring. There are numerous cases where it would be necessary for him to direct the movement of men on his ship which would involve transportation, and wherever there is no pay officer on board the commander of the ship gives them cash in lieu of the tickets. Nobody except the pay officer is authorized to buy tickets. So if a man is discharged, there are times when it would be impossible to get him ashore except for this provision.

The CHAIRMAN. There is nothing in the section which the gentleman has cited which provides for the payment of cash in lieu of mileage or transportation.

Mr. BRITTEN. The bill specifically provides for mileage of men discharged from the service in another section.

Mr. KELLEY of Michigan. This is a provision authorizing transportation, whether it is a ticket, a mileage book, or cash, the amount is the same. But there are times when nobody has authority to buy mileage books or tickets. In that case it is necessary for the commanding officer to furnish the money.

Mr. MADDEN. Suppose a man was discharged from the service in the port of New York and he lived in Chicago. He

would be entitled to transportation home. Suppose he did not want to go home, would he not be entitled to the cash?

Mr. BRITTEN. The law expressly provides for that under another section. They are discharged from the service and if they do not want to go home from the place of enlistment they are given currency, but that is a different matter. This is for enlisted men remaining in the service, and it has nothing to do with discharging men.

Mr. KELLEY of Michigan. Undoubtedly this relates to the movement of men within the Navy. The President and the Secretary of the Navy are authorized to man ships, to put men aboard, and transfer them from one place to another. Where there is no pay officer it is necessary to put up the money to pay for the transportation. The cost is the same either way.

The CHAIRMAN. Can the gentleman from Michigan cite any authority for the payment of cash in lieu of transportation?

Mr. KELLEY of Michigan. Not any direct authority, Mr. Chairman, but there is authority for furnishing mileage books or tickets. The Navy must always be in a position to move the men from one ship to another. They can do that by furnishing mileage books or tickets, or they can do it by furnishing money and it does not matter which, but the authority to send men from one place to another carries with it the incidental authority to buy the tickets or furnish the cash. Where there is no officer authorized to buy mileage books, the only way is to give them the money.

The CHAIRMAN. The Chair will direct the attention of the gentleman from Michigan to the section of the statute referred to in the authorization which he has cited, section 3648 of the Revised Statutes, which reads as follows:

No advance of public money shall be made in any case whatever. And in all cases of contracts for the performance of any service, or the delivery of articles of any description, for the use of the United States, payment shall not exceed the value of the services rendered, or of the articles delivered previously to such payment.

Mr. KELLEY of Michigan. This would not be an advance. This is an expense of the Government for the transfer of men from one ship to another or from ship to port or from training school to ship. In the event that there is no paymaster about authorized to buy tickets, the money is supplied by the commanding officer.

The CHAIRMAN. The section the gentleman calls the attention of the Chair to does not authorize that to be done.

Mr. KELLEY of Michigan. I think the section does authorize transportation within the Navy of whatever kind may be necessary. But even if there was no direct authority for transportation in the Navy the department would have it because it would be impossible to move the men about; without it you could not run the ships.

The CHAIRMAN. Is that all the authority the gentleman from Michigan desires to submit?

Mr. KELLEY of Michigan. It may not be all I desire to submit, but it is all I have at hand.

The CHAIRMAN. The Chair thinks the language providing for cash in lieu thereof is subject to a point of order, and the Chair sustains the point of order.

Mr. KELLEY of Michigan. Mr. Chairman, I move to amend so as to make it read "transportation of enlisted men and apprentice seamen at home and abroad with subsistence and transfer en route."

The CHAIRMAN. The Clerk will report the amendment. The Clerk read as follows:

Page 6, line 13, after the word "enlistment," insert: "Transportation of enlisted men and apprentice seamen at home and abroad with subsistence and transfer en route."

The CHAIRMAN. The question is on the amendment. The amendment was agreed to.

Mr. BRITTEN. Mr. Chairman, I rise to make the point of order against this language: Line 23, on page 6, of the bill, "or cash in lieu thereof."

The CHAIRMAN. The Chair thinks that the gentleman from Illinois having made a point of order, and an amendment having been offered and agreed to that, another point of order in this paragraph now comes too late.

Mr. BRITTEN. I call the attention of the Chair to the fact that I was on my feet.

The CHAIRMAN. The gentleman clearly was not on his feet when we agreed to the amendment of the gentleman from Michigan. The gentleman made a point of order to that amendment, and the amendment has been agreed to.

Mr. BRITTEN. Allowing the Chair to be correct about my not being on my feet at that moment, the Chair will recollect that I suggested that I had various points of order to make.

The CHAIRMAN. But the gentleman permitted an amendment to be agreed to and perfected after he had made the point of order to the amendment. The Chair thinks that the gentleman

could have insisted upon his rights and prevented action upon that amendment, but the Chair feels that it is now too late to raise the point of order. The Clerk will read.

The Clerk read as follows:

The Bureau of Navigation, Navy Department, is hereby directed to furnish to the proper officers in the several States, Territories, insular possessions, and the District of Columbia, on or before October 31, 1921, statements of the services of all persons from those several places who served in the Navy during the War with Germany, and for that purpose an additional sum not to exceed \$50,000 is hereby appropriated for obtaining the necessary material and the employment of the necessary clerical force.

Mr. BRITTEN. Mr. Chairman, I make the point of order against the entire paragraph.

The CHAIRMAN. The gentleman will state his point of order.

Mr. BRITTEN. It is legislation on an appropriation bill.

Mr. KELLEY of Michigan. Mr. Chairman, this paragraph is not subject to the point of order. I cite section 3717-a, volume 4, Hinds' Precedents:

An appropriation to complete a list of claims was held to be in continuation of a public work or object.

This is a case where the Navy Department is furnishing a record of the men who served during the war for the various States of the Union, and it will take about three months more with about the same force they have now to finish the work. It is merely the continuation of a work in progress.

The CHAIRMAN. This language seems to direct the Navy Department to furnish this information to the proper officers in the several States.

Mr. KELLEY of Michigan. This language directs the Navy Department to furnish the record of the men who were in the service during the war to the various States. This was done last year. This carries the same language that was in the bill of last year, and the work has been in progress for a year. A part of the record has been finished, and it will probably take about three months more to complete it and get it out to all of the States. It is obviously a work that is now in progress.

Mr. BRITTEN. Mr. Chairman, I would suggest that this language is clearly legislation on an appropriation bill. It is not incidental to the management of the Navy or to the management of the Naval Establishment. It comes as a request from the State officers to be furnished with a record of the enlisted personnel during the war. It has nothing whatever to do with the maintenance of the Navy. It is merely the compiling of records, for State officers. I agree with the gentleman that it is now in progress.

Mr. KELLEY of Michigan. This section was subject to the point of order in the bill last year when reported by the Committee on Naval Affairs. It was then legislation, no doubt, directing the Navy Department to furnish these records.

The CHAIRMAN. But they were directed in the paragraph last year to furnish them before June 30, 1921.

Mr. KELLEY of Michigan. But the records at that time will be incomplete. The work is in progress, and they can not finish it within that time. Having begun the work, the work is now in progress. Of course, if it could be finished by June 30, 1921, we would not have the paragraph in the bill at all, but it is to continue the work that is in existence, to finish it. That principle goes not only to a list like this, but to finishing a building or anything that is started, so long as it is started by law. It is in order, after once begun, to appropriate for it. They could have objected to this paragraph last year, but not having done so, the authority to do this work was granted and the work has not yet been finished, and we are asking for this appropriation to finish it.

Mr. CONNALLY. Mr. Chairman, I want to reinforce the suggestion made by the gentleman from Michigan [Mr. KELLEY] that since this language is contained in the appropriation act for 1921 it is current law. It is now the law for this current year, and by that law the Secretary of the Navy is directed to do a certain thing. The Secretary of the Navy is presumed, I am sure, to be doing that particular thing, but he has not yet completed it. It is in the process of being completed. Let us say, for example, that instead of directing the Secretary of the Navy to prepare this list and forward it to the various States, the bill had directed the Navy to build a battleship and is now building the battleship and it is uncompleted, either because of lack of funds or of proper men to build the ships. If, under existing current law, the building of that battleship is authorized and it is in the course of construction, even though the Secretary of the Navy can not complete it by the end of the present fiscal year, which seems to be in the mind of the Chair as one of the reasons perhaps arguing in favor of the point of order, yet that is no reason why we have not authority now to make an appropriation for the continuation of that project. It seems

to me the same rule would apply with reference to completing the compilation of these lists of names and supplying them to the various States that would apply in the case of a public building that was uncompleted or in the case of a battleship.

Mr. LITTLE. Mr. Chairman, will the gentleman yield?

Mr. CONNALLY. Yes.

Mr. LITTLE. In view of the difficulty we have had about the number of men in the Army, does not the gentleman think that his presumption that the Secretary is obeying the law is rather a violent presumption?

Mr. CONNALLY. Oh, I would say that the Secretary of the Navy, even during all of this discussion, has been singularly absolved from any dereliction of duty. I do not think the gentleman is right in inferring that he is not doing his duty. The presumption is that the Secretary is carrying on this work, and I am sure the gentleman from Michigan has the knowledge of that in his possession.

Mr. KELLEY of Michigan. It is nearly finished.

Mr. CONNALLY. It seems to me that since it is now in progress and is authorized by law, that we can appropriate money to complete the work. We find now that the Secretary can not do that unless the House grants him a further sum of money.

Mr. BRITTEN. Mr. Chairman, will the gentleman yield?

Mr. CONNALLY. Yes.

Mr. BRITTEN. The House did direct, under legislation last year, the Secretary to do a certain thing by a certain time.

Mr. CONNALLY. I assume that it did.

Mr. BRITTEN. That time was the 30th of June, 1921, and that time has not yet arrived.

Mr. CONNALLY. There is no inconsistency there, because June 30 is the end of the appropriation year.

Mr. KELLEY of Michigan. And, unfortunately for the contention of the gentleman from Illinois, that was the very provision contained in the act to which I directed the attention of the Chair. The paragraph there read as follows:

To enable the Clerk of the House to prepare and complete a digested summary and alphabetical list of private claims presented to the House of Representatives from the Fifty-second to the Fifty-seventh Congress, inclusive, three clerks, at \$1,600 each, during the fiscal year 1903; in all, \$4,800. And said work shall be completed and ready to be printed on or before July 30, 1904.

The situations are exactly identical. I do not believe it would be humanly possible to distinguish between this case and the case that is involved in this paragraph.

Mr. CONNALLY. Mr. Chairman, it appears to me the appropriation would be in order. There might be some question about the authority of the House to direct the Secretary of the Navy to complete this list, because that might be held to be legislation, but so far as the actual appropriation is concerned it does not seem to me there can be any serious question of the power of the House to make it in this bill.

Mr. BRITTEN. Mr. Chairman, I suggest to the Chair this language, which appeared in the appropriation bill June 4, 1920, the bill passed last year for the present fiscal year directs the Secretary of the Navy to compile certain data for certain State officials on or before June 30, 1921. Now, June 30, 1921, has not yet arrived. We do not know whether he is going to complete the compiling of that data for these officials before June 30, 1921. Some one may think he is not going to do it, so the Appropriations Committee extends the time to October 31, 1921, legislation pure and simple on an appropriation bill. I think the entire paragraph is subject to the point of order.

The CHAIRMAN. The Chair sustains the point of order.

Mr. KELLEY of Michigan. Mr. Chairman, I offer an amendment to take the place of the paragraph stricken out.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment by Mr. KELLEY of Michigan: Page 7, following line 7, insert the following:

"To enable the Bureau of Navigation, Navy Department, to complete—

Mr. BRITTEN. Mr. Chairman, I do not quite comprehend where this amendment is intended to come in.

Mr. KELLEY of Michigan. To take the place of what is stricken out.

The Clerk read as follows:

Page 7, following line 7, insert:

"To enable the Bureau of Navigation, Navy Department, to complete the work of furnishing the proper officers in the several States, Territories, insular possessions, and the District of Columbia, on or before October 31, 1921, statements of the services of all persons from those several places who served in the Navy during the war with Germany, and the employment of the necessary clerical force, \$50,000."

Mr. BRITTEN. Mr. Chairman, I make the point of order.

Mr. KELLEY of Michigan. What is the point of order?

Mr. BRITTEN. That it is legislation on an appropriation bill for which there is no existing law, that it is not incidental

to the Navy or the management of the Navy. It can not be suggested to the House that this is incidental to the Navy or the Navy Department.

Mr. KELLEY of Michigan. I am basing its right to be in the bill on the ground that the work has been authorized, and it is partly finished, and this is an appropriation to complete it, and we limit the time in this to the 31st of October, because we wish to put a limitation for clerk hire, which is proper.

Mr. MANN of Illinois. Will the gentleman yield for a question?

Mr. KELLEY of Michigan. I will.

Mr. MANN of Illinois. There is an authorization in the current law and a direction to the Secretary to do this and complete it by June 30.

Mr. KELLEY of Michigan. Yes.

Mr. MANN of Illinois. Now, that is the authorization of law. Is there any authorization of law for the department to do this work beyond the time of June 30?

Mr. KELLEY of Michigan. I do not think, Mr. Chairman, that the time within which the project is to be completed has anything to do with establishing a basis for an appropriation to complete the work. If there is a limitation as to the time within which a work is to be completed, and it has not been completed, the necessity for further appropriation would arise by the very fact that it was not completed within that time, and the authorization for the work is not in any way contingent upon its being finished within the time.

Mr. MANN of Illinois. But here is a direction to the Secretary to do this work and furnish these statements by June 30, 1921. Without that direction there was no authorization for an appropriation. Now, with that direction, that being the basis of the authority for the appropriation, is there any authority for it beyond June 30?

Mr. KELLEY of Michigan. The authority beyond June 30 comes under the rule which permits an appropriation for a work in progress.

Mr. MANN of Illinois. I do not think it is contemplated as work in progress.

Mr. KELLEY of Michigan. The gentleman from Illinois made a point of order against the compilation of the claims to be filed by the Clerk of the House, which also had in it a provision that the work should be completed before a certain date, and that was called to the attention of the Chair, and still he held that it was in order to appropriate a sufficient sum to complete the work, although it carried it beyond the time within which it was originally set by law for completion. So that, unless the Chair overrules this decision which I have cited, there is no force to the suggestion that the date of completion makes any difference with the authorization.

The CHAIRMAN. The Chair sustains the point of order. The Chair does not desire to be understood, however, as overruling the precedent cited by the gentleman from Michigan [Mr. KELLEY]. The Clerk will read.

The Clerk read as follows:

Recreation for enlisted men: For the recreation, amusement, comfort, contentment, and health of the Navy, to be expended in the discretion of the Secretary of the Navy, under such regulations as he may prescribe: *Provided*, That not more than two persons shall be employed hereunder at a rate of compensation exceeding \$1,800 per annum, \$800,000.

Mr. BRITTEN. Mr. Chairman, I reserve a point of order on the paragraph.

The CHAIRMAN. The gentleman will state his point of order.

Mr. BRITTEN. I understood the gentleman from Indiana [Mr. WOOD] wanted to proceed for a moment, and I am willing to reserve my point of order.

Mr. KELLEY of Michigan. What is the point of order?

Mr. BRITTEN. That it is legislation on an appropriation bill. It is not necessary for the maintenance of the Navy to provide for this recreation or for the instruction herein provided under the proviso. I make the point of order against the entire paragraph as being legislation on an appropriation bill.

Mr. KELLEY of Michigan. Mr. Chairman, this matter has been already settled by the Chairman of the Committee of the Whole when the Army bill was before the House. Further than that, I do not imagine there can be anything more directly necessary to the Navy than the preservation of its health. The health of the Navy is dependent very largely upon recreation of various sorts. The morals of the enlisted men of the Navy in no small degree are dependent upon recreation—upon amusement, if you wish to use that term. Can the Chair imagine one of our ships pulling into a foreign port to remain for several days or weeks, and no provision made for the recreation of those men? Health, morals, and every other consideration that ought to move men is involved in an appropriation of this sort. It is absolutely necessary for the health of men at the stations, for their peace of

mind and contentment. Boys become homesick. Let me say to the Chairman that there is no sickness much worse than homesickness. Perhaps he has experienced it at some time or other. And the whole activity involving the care of these boys of 18 or 19 years of age, in the way of recreation and keeping them happy and contented, preventing excesses on shore which interfere with their morals and with their health, is taken care of out of this appropriation.

I call attention to the fact that even by law the commanding officer of every ship is particularly commanded to look after the health of his men. Congress has seen fit to enact legislation demanding that the commander of a ship shall make the health and comfort of his men and their moral safety his first concern. And then to deprive officers of the means by which they can look after the health and comfort and moral safety would be only a mockery. I am surprised more than I can say that my good friend from Illinois [Mr. BRITTEN] should make a point of order against an appropriation to look after the health and comfort and the morals of these young men who are taken out of the homes of the country and sent thousands of miles away from home influences in defense of the Nation and then deprive them of the necessary recreation and protection in foreign ports, where they are surrounded by all sorts of temptation.

Mr. BRITTEN. Mr. Chairman, the gentleman made a very appealing speech for the health and morals and the recreation of 100,000 men to be cared for by two men at a salary not exceeding \$1,800 apiece, as it is provided in this proviso under discussion. But he did not recite the law justifying the inclusion of this language in the bill.

Mr. KELLEY of Michigan. I forgot to read the provision to which I directed the attention of the Chair.

Mr. BRITTEN. He says that he forgot to read the law in his exuberance about the moral condition of the men in the service.

I maintain the section is subject to a point of order, notwithstanding the gentleman's enthusiasm about the morals of the men in the service.

The CHAIRMAN. The gentleman from Illinois makes the point of order on the paragraph beginning "Recreation for enlisted men." The Chair recalls there was some discussion of this matter when the Army bill was under consideration. Not a point of order, I think, but some question was raised against providing moving pictures for Army enlisted men at the various camps, to which the argument was made by one of the members of the committee that—

The purpose of these recreational exercises is largely to keep the enlisted men of the Army in the camps instead of sending them into the town near by to obtain recreation not so innocent. If we can maintain better discipline in the Army and better order in the Army by providing pictures for men to look at in the camp rather than to send them to see vice in a neighboring joint, I think it is quite within our power to appropriate for that purpose, as included in the general purpose of maintaining the Army.

The Chair believes that the reasoning which is there applied to the appropriation for recreational purposes in the Army could equally well be applied to the naval service, and that the appropriation for the recreation, amusement, comfort, contentment, and health of the Navy is necessarily incident to preserving the naval organization and good order, and therefore overrules the point of order.

Mr. BRITTEN. Did the Chairman, in overruling the point of order, include the proviso which I specifically called to the attention of the Chair?

The CHAIRMAN. The proviso is simply a limitation.

Mr. WOOD of Indiana. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Indiana offers an amendment, which the Clerk will report.

Mr. WOOD of Indiana. I move to strike out in line 23, page 7, the figures "\$800,000," and insert in lieu thereof the figures "\$600,000."

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Indiana.

The Clerk read as follows:

Amendment offered by Mr. WOOD of Indiana: Page 7, line 23, strike out "\$800,000" and insert in lieu thereof "\$600,000."

Mr. WOOD of Indiana. Mr. Chairman and gentlemen of the committee, I desire to say in support of this amendment that \$800,000 was the sum that was carried in the current law for a personnel of 143,000. It is now proposed that the personnel be reduced to 100,000. Yet they are proposing to carry the same sum of \$800,000 in this item.

The hearings have disclosed the fact that those who are charged with presenting the case in behalf of the Navy Department testified that reductions might be made in items of this character in proportion as we have reduced the size of the Navy, so that \$600,000 does not quite represent the amount of the reduction that ought to be made.

It is not my purpose or desire to take from the Navy sufficient funds for recreational purposes, but it does occur to me that we should at least be consistent, and we are liable to set a precedent here if we permit this sum to remain the same this year as was provided for the current year, when we shall have 43,000 men less, because if the personnel is reduced below 100,000 they can point to the fact that \$800,000 was carried, and that the same amount was given when the Navy was reduced by 43,000 men. By the same sort of logic, if the enlisted personnel of the Navy should in future be increased, they can come and ask for an increase of this fund because of the fact that \$800,000 was allowed for a Navy of 100,000 men. They could contend that therefore they should have a proportionate increase. I think we ought to take these gentlemen at their word—they are always asking for at least as much as they feel that they need—when they said we might take and reduce items of this kind in proportion as we reduced the personnel of the Navy, and it was for that purpose and for the further purpose of saving a couple of hundred thousand dollars, which will be the amount saved under my amendment, that I have introduced the amendment. [Applause.]

Mr. BLANTON. Mr. Chairman, I rise in opposition to the amendment.

The gentleman from Indiana [Mr. WOOD] has not any chance on earth to carry his amendment. He is seeking to reduce the relatively small item of \$800,000 down to \$600,000, thereby seeking to save \$200,000 for the people of the country. But what chance on earth has he to do it? We are now considering under the five-minute rule the great naval appropriation bill, involving \$395,000,000, and the great Republican Party, which promised the people careful retrenchment in expenditures and legislative matters, with the help of us Democrats, has but 51 men on the floor, considering a great bill carrying \$395,000,000, if you please, and no one seems to have very much interest in it at all. Here is a committee packed to carry this bill through. Why, when the distinguished gentleman from Illinois [Mr. BRITTEN]—and I want to tell you right now he would be the last man on earth I would tackle with the gloves on—when he saw fit to jump in here and try to save the people something, had his majority leader, the gentleman from Wyoming [Mr. MONDELL], come in and sit down by him, and he put another man on the other side of him, and the distinguished gentleman from Illinois [Mr. MANN] behind him, and another distinguished gentleman in front of him, and the gentleman from Wyoming then heralded that the bill was going to go through just as the committee wanted it, because he was there to protect it. [Laughter.]

And so the matter goes. I wish it was possible for even a distinguished gentleman like the gentleman from Indiana [Mr. WOOD] to have some chance to carry an amendment of this kind to save money on these big bills. I stay on the floor all the time to help him, but I tell you right now you have no chance at all to do it.

I have found out one thing—that there is just one way to save money for the people of the country on these appropriation bills, and that is the way the gentleman from Illinois [Mr. BRITTEN] is pursuing, to strike items of appropriation out by points of order. Sometimes they get them back again and sometimes they do not; but, thank God, under the present rule—and it is a good one as far as it goes—the Senate can not put on a bill anything subject to a point of order like what they used to do unless the House approves it by a special vote. That is the only way we have got to save money, and I take my hat off to the distinguished gentleman from Illinois [Mr. BRITTEN]. He has braved the powers that be and he has not stumbled or hesitated in doing what he thought best for the country in trying to take money out of this bill; but he is causing this committee some trouble. [Applause.]

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. HICKS. Mr. Chairman, I move to strike out the last two words.

The CHAIRMAN. The gentleman from New York moves to strike out the last two words.

Mr. HICKS. Mr. Chairman, now that we have heard from the Rio Grande, I want to confine myself for a moment to the amendment to the bill.

I realize the importance of economy in this bill, but I think this is a time when it is not wholly worth while for us to endeavor to cut down. Those of you gentlemen who have been out on these battleships and have seen the men wearing our uniform, knowing what those men contend against in foreign ports, and realizing the necessity for recreation, confined as they are for weeks at a time in those steel houses—it seems to me that any man who wants to cut down the recreation of these men is not really sizing up the Navy as it is. This is not the Navy of 50 years ago, when we took into it the outcasts of society. To-day

the American Navy is composed of the best blood and the best manhood in America, and we want those men taught along the lines of Christian ideals, of American civilization. Why, think what it means. A battleship lands at Hongkong, and before it reaches that port the moving-picture machine on board will give pictures of all the principal objects of interest in the city of Hongkong, so that those men may know what objects of interest to visit. They have little historical descriptions of all those points of interest. Now, it seems to me that providing for men in that way, and giving them the opportunity to play baseball and all sorts of athletic exercises, gives to the Navy the morale that makes its members not only better citizens but better fighters for the American Government. Therefore, Mr. Chairman, I am heartily opposed to the amendment suggested by the gentleman from Indiana.

Mr. WINGO and Mr. FRENCH rose.

The CHAIRMAN. The Chair recognizes the gentleman from Idaho, a member of the committee.

Mr. FRENCH. Mr. Chairman, the members of the Committee on Appropriations have been very sensitive in the matter of cutting down expenditures of the Government below any point that seems extravagant; but when we came to the item that we are now considering, providing for entertainment, for recreation, and the welfare of the enlisted men of the Navy, it seemed to the committee that it would not be a matter of economy to cut the item below that which is included in the bill. It is true that the number of enlisted men will be somewhat reduced during the coming year, but there is another element that Members fail to remember when they urge a reduction in the item in proportion to the number of men. That is that in large part the expenditure is not upon the basis of the number of men in the enlisted force. There are certain expenses that must go on anyway, whether you are dealing with a group of 40 or 50. There is another fact that gentlemen overlook, and that is that during last year there were various auxiliary organizations, such as the Red Cross, the Knights of Columbus, the Y. M. C. A., and other philanthropic bodies that contributed to this wholesome and beneficent work for the men of the Navy to the extent of more than \$480,000. A very large part, probably most of that money, will not be available during the coming year. But it is necessary that this work be carried on, and that an appropriation such as that indicated in the bill be provided.

The gentleman from New York [Mr. Hicks] has called attention to some of the work on the part of the Navy calculated to be of benefit to the men under this appropriation. He referred to the moving-picture shows touching the places where the men land. I have in my hand a little pamphlet gotten out with the money appropriated by Congress for the Navy Department describing the port of Valparaiso. There were made available during the year when this was gotten out something like 6,000 copies of the pamphlet. They were furnished to the men who entered that port. You will see it describes the port and points of interest.

Similar pamphlets are furnished to the various men making up the enlisted personnel of the Navy as they visit the different ports throughout the world. A matter of that kind can not help but be of the greatest interest to the men and will save them to the greater usefulness of the Navy. Under this item we provide athletic facilities, books, and other literature, entertainments, and just such matter as healthy, normal men need. We went into this question with much care when Admiral Washington was before the committee, and I remember distinctly the statement he made to the members of the committee, that desertions from the Navy occur in greatest number when the men are not employed, when they are not engaged in something useful, something that means either work or wholesome recreation. Here is an item that it seems to me is in the direction of the very highest degree of conservation of the welfare of the men of the Navy, that they may perform their greatest duty to the Navy; and, too, that these men whom we have urged to enlist during the last few years may go back to their homes the splendid types of manhood that they were when they came, and that they ought to be when they return to take their places in the different communities from which they came.

The amendment ought not to prevail.

Mr. McKENZIE. Will the gentleman yield?

Mr. FRENCH. I will.

Mr. McKENZIE. What portion of the \$800,000 is paid to civilian employees?

Mr. FRENCH. The entire amount for the administration work is a little less than \$13,400. We have provided a limitation to the effect that no employee, with the exception of two, under the amount carried in this bill shall be paid in excess of \$1,800.

Mr. WINGO. Mr. Chairman, I move to strike out the last three words. After the commendatory remarks by the gentleman from Texas [Mr. BLANTON] of his collaborer, the gentleman from Illinois [Mr. BRITTON], I presume that they wish to retire for the purpose of indulging in the customary amenities, notwithstanding the Volstead Act, and so I will give them an opportunity by prolonging the debate a little. [Laughter.] Will the gentleman explain to the House, in view of the statement made by the author of the amendment, that this \$800,000 appropriation is identical with the current appropriation, and yet you propose to reduce the enlisted personnel of the Navy. What answer is there to that?

Mr. BYRNES of South Carolina. For the year 1919-20 there was expended \$1,207,763.65 that came from the Y. M. C. A., the Red Cross, and the Knights of Columbus, and from other organizations quite a large sum was contributed for recreation purposes of the Navy. A considerable balance was left for this fiscal year, and it is certain that during the next fiscal year they will receive no contributions from any of these organizations, so that the amount carried in this bill merely represents the suitable reduction in the amount of money available for recreation purposes.

Mr. WINGO. The reason for retaining the \$800,000, the amount carried for the current year, was only to give them sufficient funds to carry on the work that would be necessary for the enlisted personnel in view of the loss of contributions from the Red Cross and the Y. M. C. A.

Mr. BYRNES of South Carolina. The statement made by the representative from the department was that notwithstanding the appropriation there would be a curtailment of the activities of the recreation for enlisted men. Those recreations include not only motion pictures but religious equipment and athletic equipment. My good friend from Indiana [Mr. Wood] complained mostly about the price of the home plate, contending that when he was a boy and played baseball they used the brick for a home plate, and we all recall that bricks made a good home plate. But since that time conditions have changed. Now, when a man is fortunate enough to reach the home plate, he slides into the plate, and if it was a brick he would break his ankle or break his leg, and he would be ruined for the service, and so it is worth while to have the rubber home plate instead of using the old brick home plate. [Laughter.]

Mr. WINGO. That, I presume by the rule of "liberal construction," comes under the health preservation provision. [Laughter.] Mr. Chairman, I withdraw my pro forma amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana.

The question was taken; and on a division (demanded by Mr. Wood of Indiana) there were 13 ayes and 33 noes.

So the amendment was rejected.

MESSAGE FROM THE SENATE.

The committee informally rose; and the Speaker having resumed the chair, a message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed with amendment bill of the following title, in which the concurrence of the House of Representatives was requested:

H. R. 14311. An act to authorize the improvement of Red Lake and Red Lake River in the State of Minnesota for navigation, drainage, and flood-control purposes.

The message also announced that the Senate had passed with amendments the bill (H. R. 15682) making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1922, had requested a conference with the House of Representatives on the bill and amendments, and had appointed Mr. CURTIS, Mr. GRONNA, and Mr. ASHURST as the conferees on the part of the Senate.

ENROLLED BILLS SIGNED.

Mr. RAMSEY, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 15344. An act making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1922, and for other purposes.

The SPEAKER announced his signature to enrolled bill of the following title:

S. 578. An act providing for the survey of public lands remaining unsurveyed in the State of Florida, with a view of satisfying the grant in aid of schools made to said State under the act of March 3, 1845, and other acts amendatory thereof.

NAVAL APPROPRIATION BILL.

The committee resumed its session.

The Clerk read as follows:

Contingent: Ferriage, continuous-service certificates, discharges, good-conduct badges, and medals for men and boys, including civilian employees who render conspicuous service by putting their lives in jeopardy to save life or property; purchase of gymnastic apparatus; transportation of effects of deceased officers and enlisted men of the Navy and of officers and enrolled men of the Naval Reserve Force who die while on duty; books for training apprentice seamen and landsmen; packing boxes and materials; books and models; stationery; and other contingent expenses and emergencies arising under cognizance of the Bureau of Navigation, unforeseen and impossible to classify, \$20,000.

Mr. BRITTEN. Mr. Chairman, I make a point of order against the paragraph, and I call the attention of the Chair to the language in line 1, top of page 8, to these words: "including civilian employees who rendered conspicuous service by putting their lives in jeopardy to save life or property."

That language, Mr. Chairman, was added as a war measure in July, 1918, to an appropriation bill, and it is supplemental and additional to the law in the Revised Statutes, section 1407, providing for medals of honor. This is legislation pure and simple on an appropriation bill, and I make the point of order against it.

Mr. KELLEY of Michigan. What language does the gentleman make the point of order against?

Mr. BRITTEN. To the language, beginning line 1, at the top of page 8.

Mr. KELLEY of Michigan. Mr. Chairman, I concede that the point of order is well taken, and I desire to offer an amendment.

Mr. BRITTEN. Mr. Chairman, I have another point of order to make on the paragraph—in fact, several of them—before any amendments are offered.

The CHAIRMAN. The Chair sustains the point of order.

Mr. BRITTEN. Mr. Chairman, I make the point of order to the language beginning in line 3, page 8:

Purchase of gymnastic apparatus.

That is legislation on an appropriation bill. It provides for the purchase of new materials. The gentleman from Wyoming [Mr. MONDELL] stated a while ago that substances of new character coming into the Navy, such as ships, additions to buildings, and so forth, are new, and I assume that the purchase of gymnasium apparatus is also new.

Mr. KELLEY of Michigan. Mr. Chairman, I do not care particularly about the language; it is old language and is not used any more.

The CHAIRMAN. The Chair does not think that language is subject to the point of order, and the Chair overrules the point of order.

Mr. BRITTEN. Mr. Chairman, I make the further point of order to the language beginning in line 8, page 8:

And other contingent expenses and emergencies arising under cognizance of the Bureau of Navigation unforeseen and impossible to classify.

That is legislation on an appropriation bill.

Mr. KELLEY of Michigan. Mr. Chairman, I call the attention of the Chair to the fact that on January 6, 1921, with Mr. WALSH in the chair, on the sundry civil appropriation bill, the Chair ruled in connection with the words "and other needed work and improvements" that they meant within previous authorizations or within provisions of existing law, and that they would not permit anything that was not authorized by law.

That ruling was concurred in by Mr. HICKS in the chair on January 5, 1921, in the consideration of the Agricultural appropriation bill. A point of order was made to the words "and for other miscellaneous supplies and expenses not otherwise provided." That somewhat enlarged the ruling just cited of the present occupant of the chair.

The CHAIRMAN. The Chair believes that this language in the paragraph headed "contingent," which enumerates several contingencies and then provides for other contingent expenses and emergencies arising in the cognizance of the Bureau of Navigation, and so forth, comes within the precedent established where an emergency fund to meet unforeseen contingencies in the maintenance of the Navy was held in order. The Chair overrules the point of order.

The language to which the point of order was sustained in the first two lines on page 8 is eliminated from the bill by the point of order being sustained.

Mr. KELLEY of Michigan. And the remainder of the paragraph stands?

The CHAIRMAN. Yes.

The Clerk read as follows:

Gunnery and engineering exercises: Prizes, trophies, and badges for excellence in gunnery, target practice, engineering exercises, and for economy in fuel consumption, to be awarded under such rules as the

Secretary of the Navy may formulate; for the purpose of printing, recording, classifying, compiling, and publishing the rules and results; for the establishment and maintenance of shooting galleries, target houses, targets, and ranges; for hiring established ranges, and for transporting equipment to and from ranges, \$100,000.

Mr. BRITTEN. Mr. Chairman, I make the point of order against the entire paragraph as being legislation on an appropriation bill.

Mr. KELLEY of Michigan. Mr. Chairman, I do not think the paragraph is subject to a point of order. The law provides for target practice and it provides for hiring ranges. The fact is that the whole organization of the Navy revolves around the ability of the Navy to shoot.

Mr. BRITTEN. Wherein does the law provide for the hiring of these ranges for target practice, and so forth?

Mr. KELLEY of Michigan. We have the ranges. It is a well-settled principle of parliamentary law that if on an appropriation bill an authorization which was subject to a point of order is permitted to pass, and the authorization is carried into effect, that it becomes an established activity, and, therefore, that you can appropriate to take care of it. That is the situation that we are in now. We have ranges both leased and owned. In fact, when the fleet goes down to Guantanamo Bay every winter the target ranges on shore are leased and some of them are owned by the Government, and the boys are taught shooting of small arms. It is a work in progress, it is an institution of the Navy.

The matter of offering a badge, or a little certificate or writing a boy a letter stating how efficient he has been, is a minor matter of administration and it would be folly for anyone to think that that would require an act of Congress to make it valid. All of this revolves around the main purpose of the Navy, namely, to shoot efficiently. If the Navy can not shoot effectively, it is worthless, and these minor, incidental expenses necessary to increasing the effectiveness of shooting, whether a little badge or a button or a certificate or a letter from the commanding officer, are matters of administration.

Mr. BRITTEN. Mr. Chairman, the gentleman from Michigan recites the desirability of giving badges and of having target practice, promoting the excellence of the enlisted personnel in gunnery, but he fails to call the attention of the Chair to any permanent law for doing that very thing. That is the reason I maintain it is legislation on an appropriation bill. The gentleman will not suggest in all seriousness, I am sure, that the giving of badges is a continuing proposition that should be developed each year as a ship must be handled, or any other instrument of the Navy. It was first provided for in 1888. The giving of trophies is not a continuing proposition, but it is subject to the will of Congress each year in legislation, and has been ever since 1888.

The details of this particular paragraph were amended in 1890 and 1910, and they are legislation on appropriation bills from time to time, and, irrespective of the value of the language from the gentleman's standpoint, my idea is that this legislation properly belongs to the Committee on Naval Affairs under the rules of the House, and, if it does not, I am sure the Chairman will so indicate.

Mr. MONDELL. Mr. Chairman, I am wondering just what the gentleman from Illinois [Mr. BRITTEN] considers the function of the Navy. We all of us have understood the Navy was a fighting machine, so intended and so purposed. If it is, I think that no one could contend or would contend that it is necessary to have specific legislation for every detail of purpose necessary and essential for the maintenance of the Navy. Of course, the Navy has gunnery practice. Of course, the Navy has target ranges. Certainly the Navy must transport equipment from one range to another. If the appropriating committee can not appropriate for these purposes essential to the maintenance of the Navy, then there is no purpose for which an appropriating committee can appropriate. The gentleman from Illinois calls attention to the fact that this legislation has been on the bill for 30 years. That admission casts a peculiar light upon the character of the points of order that are being made by him. Items that have been in existence for 30 years, including all the years that the gentleman from Illinois has been a Member of the Naval Committee, items that everybody approves, items without which the Navy could not function, and yet points of order are now made against them. Just why this is done nobody very clearly understands except it is done simply because a monkey wrench thrown into the machinery for the time being interferes with its functioning smoothly. But to come back to the provisions contained in this item, they are all of them essential to the maintenance, operation, and functioning of a Navy. They are not new; there is nothing about them requiring specific authorization. They deal with classes of activities essential to a navy and relative to which authority to appropriate follows

the authority to provide for the operation and purposes of a navy.

Mr. BRITTEN. Mr. Chairman—

The CHAIRMAN. The Chair is ready to rule.

Mr. BRITTEN. May I proceed for one-half a minute, please? The gentleman from Wyoming [Mr. MONDELL] directed his entire remarks practically toward the maintenance of shooting galleries, target ranges, and so forth. That is very true. That is an item of maintenance, but I call attention of the Chair to the language in the first six lines of this section that has nothing to do with the maintenance of ranges, nor the keeping up of those ranges. The first six lines of this section provide for giving badges, diplomas, and so forth, and are not maintenance in any sense whatever, but legislation pure and simple.

The CHAIRMAN. The Chair is ready to rule. The gentleman from Illinois [Mr. BRITTEN] makes the point of order against the paragraph, and the paragraph contains language which does not appear to be necessarily incidental or requisite for the proper conduct of the Naval Establishment. Further, there is the establishment or maintenance of shooting galleries for which there appears to be no authorization of law notwithstanding the fact that this item has been carried in the bill for many years, and the Chair—

Mr. MADDEN. Before the Chair rules, will he hear me for a moment? Is there any question about the authority of the Secretary of the Navy under the law to make regulations for the conduct of target practice?

The CHAIRMAN. The Chair had not stated about that. If there is any language in the paragraph subject to the point of order, of course, the entire paragraph is.

Mr. MADDEN. If the Chairman will let me finish. If he has the power to make regulations for the conduct of target practice, to encourage economy in fuel consumption, or for the better discipline of the service, or for the encouragement of greater efficiency connected with any activity in the Navy, as he must have under the law, can it be said that under such regulations that he would not have the right to offer prizes, for example, as an encouragement to the men to become efficient and effective? What is the Navy for? Why do we enlist men? Do we enlist them because we want to look at their shape, or because we want them to become perfect in the art of warfare? Do we have target practice just to enlist men or make them efficient; and if we have it for the purpose of making the men efficient, is not it within the scope and power of the Secretary of the Navy to make such regulations as will enable him by the granting of prizes, badges, and other evidence to show his appreciation of the men's work such as will encourage them to go on in the better performance of their duties?

The CHAIRMAN. Will the gentleman permit an inquiry from the Chair?

Mr. MADDEN. I will be delighted. It is always a pleasure to listen to the Chair.

The CHAIRMAN. Does the gentleman contend that the Postmaster General could give prizes to letters carriers, such as badges and trophies, for efficient delivery of the mail, without authorization of law?

Mr. MADDEN. I think it would be the exercise of very great wisdom if he did. I believe it would result in better work in the service if the men were encouraged to more enthusiasm and greater efficiency. And the granting of a prize that costs little or nothing ought to be encouraged and not discouraged.

Mr. NEWTON of Minnesota. Does not the Post Office Department authorize the granting of certain marks of distinction for years of service?

Mr. MADDEN. It does.

Mr. NEWTON of Minnesota. And is there any authority of law for that other than the general regulation authority?

Mr. MADDEN. None whatever. And I believe there can be no better function than the conferring of prizes by the Secretary of the Navy to insure more efficiency in the work of the men who are employed as sailors.

Mr. WINGO. Will the gentleman yield right there?

Mr. MADDEN. Yes.

Mr. WINGO. Is it not an established fact that in all of the navies of the world, growing out of experience, target practice in shooting galleries, with the granting of prizes and trophies, is considered the customary and proper way to build up the personnel?

Mr. MADDEN. The trophy or badge that the sailor or soldier wears indicative of the fact that he has become a sharpshooter or an expert at target practice is one of the things that he prizes more than anything else in the world.

Mr. WINGO. And it is the customary incentive?

Mr. MADDEN. Yes.

Mr. BLANTON. Does not this bill provide for the pay of yeomanettes?

Mr. MADDEN. We have not reached that.

Mr. BLANTON. If it does, that would answer a part of the gentleman's argument.

The CHAIRMAN. The Chair feels that the paragraph contains language that is not necessarily incident to the maintenance of the Naval Establishment. It carries legislation providing for trophies and prizes and also for the establishment of shooting galleries. The Chair sustains the point of order.

Mr. KELLEY of Michigan. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Michigan offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. KELLEY of Michigan: Page 8, after line 10, insert: "Gunnery and engineering exercises: For the maintenance of established shooting galleries, target houses, targets, and ranges, and for transporting equipment to and from ranges, \$100,000."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Michigan.

The amendment was agreed to.

The Clerk read as follows:

Instruments and supplies: Supplies for seamen's quarters; and for the purchase of all other articles of equipment at home and abroad; and for the payment of labor in equipping vessels therewith and manufacture of such articles in the several navy yards; all pilotage and towage of ships of war; canal tolls, wharfage, dock and port charges, and other necessary incidental expenses of a similar nature; services and materials in repairing, correcting, adjusting, and testing compasses on shore and on board ship; nautical and astronomical instruments and repairs to same; libraries for ships of war, professional books, schoolbooks, and papers; maintenance of gunnery and other training classes; compasses, compass fittings, including binnacles, tripods, and other appendages of ship's compasses; logs and other appliances for measuring the ship's way, and leads and other appliances for sounding; photographs, photographic instruments and materials, printing outfit and materials; and for the necessary civilian electricians for gyrocompass testing and inspection, \$750,000.

Mr. WINGO. Mr. Chairman, I move to strike out the last word. What canal, or rather what canals, require our battleships to pay toll?

Mr. KELLEY of Michigan. I think they have to pay tolls through the Suez Canal. Battleships do not pay toll through the Panama Canal.

Mr. WINGO. I know they do not pay toll through the Panama Canal, but I was under the impression that under our treaties we were not compelled to pay tolls through the Suez Canal. Did the gentleman have occasion to investigate that at all?

Mr. KELLEY of Michigan. I think not. We assumed that it was necessary to pay toll in going through the Suez Canal. If there is no toll paid, there will be no money expended under that head.

Mr. WINGO. Is the gentleman in favor of the battleships paying toll through the Suez Canal?

Mr. KELLEY of Michigan. Of course, the canal is not ours. We might be obliged to do it or go around the other way.

Mr. WINGO. That is a very frank expression of the gentleman's conviction upon it. I withdraw the pro forma amendment, Mr. Chairman.

The Clerk read as follows:

Naval training station, Great Lakes: Maintenance of naval training station: Labor and material; general care, repairs, and improvements of grounds, buildings, and piers; street car fare; purchase and maintenance of live stock and attendance on same; wagons, carts, implements, and tools, and repairs to same, including the maintenance, repair, and operation of one horse-drawn passenger-carrying vehicle to be used only for official purposes; fire apparatus and extinguishers; gymnastic implements; models and other articles needed in instruction of apprentice seamen; printing outfit and material and maintenance of same; heating and lighting and repairs to power-plant equipment, distributing mains, tunnel, and conduits; stationery, books, schoolbooks, and periodicals; washing; packing boxes and materials; lectures and suitable entertainments for apprentice seamen; and all other contingent expenses: *Provided*, That the sum to be paid out of this appropriation under the direction of the Secretary of the Navy for clerical, drafting, inspection, and messenger service for the fiscal year ending June 30, 1922, shall not exceed \$45,000; in all, naval training station, Great Lakes, \$400,000.

Mr. BLANTON. Mr. Chairman, I reserve the point of order for the purpose of asking a question. I thought maybe the gentleman from Illinois [Mr. BRITTEN] had overlooked making a point against this naval training station at Great Lakes, an item of \$400,000.

Mr. BRITTEN. The maintenance of all these stations is permanent law.

Mr. BLANTON. If he wants the Great Lakes station to go in at \$400,000, I have no objection.

Mr. BRITTEN. I am glad to hear the gentleman say that. I was afraid he might object.

Mr. WINGO. Mr. Chairman, I reserve a point of order.

Mr. ANDERSON. Mr. Chairman, I make the point of order that it comes too late, there having been debate on that paragraph.

Mr. WINGO. Well, the gentleman evidently was asleep.

Mr. ANDERSON. Oh, no; the gentleman from Minnesota is never asleep except after 11 o'clock at night.

Mr. WINGO. I thought probably that was true, because I seldom see the gentleman. [Laughter.]

Mr. ANDERSON. The gentleman's eyesight is poor.

Mr. WINGO. It is better to have the eyesight poor than to have the brain working crossways. [Laughter.] The gentleman from Illinois [Mr. BRITTEN] made points of order against these entertainment items on board ships and other items, and yet his grim jealousy does not prompt him to make points of order against entertainment items at the naval training station of the Great Lakes. [Laughter.]

Mr. MADDEN. He is that kind of a watchdog that never barks when his friends are around. [Laughter.]

Mr. MANN of Illinois. Oh, that was because his point of order was overruled before.

Mr. WINGO. The gentleman's colleague has made a satisfactory explanation of his lack of action, and I withdraw the point of order. [Laughter.]

The CHAIRMAN. The pro forma amendment is withdrawn.

Mr. MANN of Illinois. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Illinois offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. MANN of Illinois: Amend, page 11, after line 25, by inserting as a new paragraph, the following:

"To make just compensation for land, title to which was taken over under proclamation of the President, dated November 4, 1918, as an addition to the naval training station, Great Lakes, Ill., and for damage occasioned by delay in the payment for such land, or for the use and occupancy thereof by the United States, \$546,805, or so much thereof as may be necessary: *Provided*, That the Secretary of the Navy is authorized, in his discretion, to dispose of, at public or private sale, at a price to be approved by him, any land in the vicinity of the Navy mine depot, Yorktown, Va., and the naval training station, Great Lakes, Ill., or interest therein, title to, or interest in which has been acquired by the United States subsequent to April 6, 1917, together with improvements placed thereon by the United States that are deemed by him to be no longer needed for naval purposes: *Provided further*, That in cases where compensation has not as yet been made by the United States in accordance with the provisions of law, then, and in that event, the Secretary of the Navy is hereby authorized to restore such lands to former owners, and is further authorized to ascertain, determine, adjust, and pay the just compensation that such former owners are entitled to receive for the use and occupancy of such lands by the United States, such compensation to be paid from appropriations made for payments for such lands: *Provided further*, That the Secretary of the Navy, in determining the compensation for the use and occupancy of such lands, is authorized, in his discretion, to sell and convey, under such terms and conditions as he may deem appropriate, to the parties entitled to receive the land such improvements or any part thereof as may have been placed in or on said lands by the United States: *Provided further*, That the Secretary of the Navy be, and he is hereby, authorized to execute all necessary instruments to accomplish the purposes of aforesaid, and all moneys received from the disposition of such lands shall be covered into the Treasury as 'miscellaneous receipts.' Report shall be made to the Congress of the final disposition of the lands aforesaid."

Mr. BLANTON. Mr. Chairman, I make a point of order against the amendment.

The CHAIRMAN. The gentleman from Texas makes a point of order against the amendment.

Mr. BLANTON. On the ground that it is new legislation on an appropriation bill, unauthorized by law.

Mr. MANN of Illinois. It is subject to a point of order, but will the gentleman reserve it?

Mr. BLANTON. I will reserve it. Possibly the other gentleman from Illinois [Mr. BRITTEN] will desire to make it. [Laughter.]

Mr. KELLEY of Michigan. Would the gentleman from Illinois [Mr. MANN] desire to go on with it now, or wait until in the morning?

Mr. MANN of Illinois. I think it would take some time to dispose of it.

Mr. BLANTON. Mr. Chairman, I have not finished with my statement on the point of order.

Mr. MANN of Illinois. I concede it is subject to a point of order.

Mr. MONDELL. Mr. Chairman, I ask unanimous consent that the pending paragraph may be passed over temporarily until to-morrow morning.

The CHAIRMAN. The gentleman from Wyoming asks unanimous consent that the pending paragraph be passed over temporarily until to-morrow. Is there objection?

Mr. BLANTON. Mr. Chairman, we might as well thrash it out to-night.

Mr. MANN of Illinois. I do not think we will get through with it to-night.

The CHAIRMAN. Is there objection?

Mr. WINGO. Reserving the right to object, is it the idea that you will want to have the committee rise?

Mr. KELLEY of Michigan. In 10 or 15 minutes, and we thought it would be better to leave this until to-morrow.

Mr. BRITTEN. It is half past 5 now.

Mr. MANN of Illinois. I doubt whether we could finish it to-night.

Mr. BYRNES of South Carolina. We have no objection to its going over.

The CHAIRMAN. Is there objection?

There was no objection.

The CHAIRMAN. The paragraph is passed over, and the Clerk will read.

The Clerk read as follows:

Receiving barracks: Maintenance of receiving barracks, \$50,000.

Mr. BRITTEN. Mr. Chairman, I desire to reserve a point of order against the language in lines 18 and 19, page 12—

Receiving barracks: Maintenance of receiving barracks, \$50,000.

Mr. KELLEY of Michigan. This item is not subject to a point of order.

The CHAIRMAN. What is the gentleman's point of order?

Mr. KELLEY of Michigan. I do not know.

Mr. BRITTEN. This language first appeared in the annual appropriation bill July 11, 1919, as a war measure. It is legislation pure and simple on an appropriation bill. It established receiving barracks which many of us believe are not necessary for the maintenance of the Navy. They are an expense. The Navy Department are using old ships in some instances, and in other instances a little office on some dock or pier, and it is styled a receiving barracks.

The CHAIRMAN. Does the gentleman contend that the department has no authority by law to establish receiving barracks?

Mr. BRITTEN. In some instances these barracks are not the property of the Government. They may be property of the municipality or the county, and the Government is paying rent for them as receiving barracks. That condition prevailed during the war and may prevail to-day. My contention is that a receiving barracks is not a necessary institution, as far as this appropriation is concerned; that men may be exchanged from one ship to another or one location to another without a receiving barracks, and that it is legislation on an appropriation bill. It appeared in the bill for the first time in July, 1919, and I maintain that it is subject to the point of order.

The CHAIRMAN. The Chair overrules the point of order. The Clerk will read.

The Clerk read as follows:

Ordnance and ordnance stores: For procuring, producing, preserving, and handling ordnance material; for the armament of ships, for fuel, material, and labor to be used in the general work of the Ordnance Department; for furniture at naval ammunition depots, torpedo stations, naval ordnance plants, and proving grounds; for maintenance of proving grounds, powder factory, torpedo stations, gun factory, ammunition depots, and naval ordnance plants, and for target practice; for the maintenance, repair, or operation of horse-drawn and motor-propelled freight and passenger-carrying vehicles, to be used only for official purposes at naval ammunition depots, naval proving grounds, naval ordnance plants, and naval torpedo stations, and for the pay of chemists, clerical, drafting, inspection, and messenger service in navy yards, naval stations, naval ordnance plants, and naval ammunition depots: *Provided*, That quarterly reports on all gasoline passenger and freight automobiles shall be made on Form No. 124, and one copy of each report shall be filed in the Bureau of Yards and Docks: *Provided further*, That the sum to be paid out of this appropriation under the direction of the Secretary of the Navy for chemists, clerical, drafting, inspection, watchmen, and messenger service in navy yards, naval stations, naval ordnance plants, and naval ammunition depots for the fiscal year ending June 30, 1922, shall not exceed \$2,000,000; in all, \$14,000,000.

Mr. BRITTEN. Mr. Chairman, I make a point of order against the proviso on page 15, line 11:

Provided, That quarterly reports on all gasoline passenger and freight automobiles shall be made on Form No. 124, and one copy of each report shall be filed in the Bureau of Yards and Docks.

I recognize the value of that legislation, but it is pure legislation on an appropriation bill, and I make a point of order against it.

Mr. MONDELL. Will the gentleman yield?

Mr. BRITTEN. Yes.

Mr. MONDELL. If the gentleman recognizes the value of it, why should it not remain in the bill?

Mr. BRITTEN. The gentleman probably was not in the Hall of the House when I stated on numberless occasions to-day and yesterday that it was my intention, by making points of order against this bill, to show the ridiculous situation under which we are operating under the new rule.

Mr. MONDELL. Let me remind the gentleman that last year—

Mr. BRITTEN. I am sure the gentleman wants me to answer his question.

Mr. MONDELL. Yes.

Mr. BRITTEN. The only way that we can bring about a change in the rules of the House is not by sitting down quietly and allowing the Committee on Appropriations and the steering committee to run this House. The way to bring about a change in a rule, if it is undesirable, as most Members of the House think this rule is, is by objection on the floor, and it is my intention to make points of order for that purpose.

Mr. MONDELL. The rules have not changed with regard to this matter in the last year. This provision was in the bill a year ago in this exact form, when the gentleman from Illinois was a member of the committee reporting the bill. If it is ridiculous to have it in the bill now it was ridiculous then, and if the gentleman is so anxious to show that there are matters in this bill that are subject to points of order, why did he not do it last year when his committee reported the bill? The gentleman will not be able to persuade anybody anywhere that there is any purpose of public interest back of the making of a point of order in such a case as this.

Mr. BRITTEN. Will the gentleman yield for a question?

Mr. MONDELL. If I have the floor.

Mr. BRITTEN. Answering the gentleman, I will say that this language I am striking out, or hope to strike out, is my own, inserted at my request because I thought it was necessary.

Mr. MONDELL. And the gentleman moves to strike it out; that only shows how ridiculous his performance is.

Mr. BRITTEN. It is not a performance at all. I am going to show you how ridiculous your rule is.

Mr. BLANTON. The whole thing is ridiculous.

Mr. BRITTEN. I agree with the gentleman.

The CHAIRMAN. The Chair sustains the point of order.

Mr. KELLEY of Michigan. Mr. Chairman, I move to strike out the word "further," in line 15, page 15.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 15, line 15, after the word "Provided" strike out the word "further."

The amendment was agreed to.

The Clerk read as follows:

Purchase and manufacture of smokeless powder, \$200,000.

Mr. MACGREGOR. Mr. Chairman, this provides \$200,000 for the purchase and manufacture of smokeless powder. I would like to ask why, in view of the immense amount of powder in the possession of the War Department, it is necessary to expend \$200,000 on the part of the Navy for smokeless powder?

Mr. KELLEY of Michigan. There are certain sizes of powder that the Navy Department must always purchase. While they may have these great quantities of the larger size they have to go on and manufacture it for small arms. It is a very light operation of the plant at Indianhead. They used to run that plant down there three shifts a day, but now it is run very light.

Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. WALSH, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 15975, the naval appropriation bill, and had come to no resolution thereon.

SUNDRY CIVIL APPROPRIATIONS.

Mr. GOOD. Mr. Speaker, I ask unanimous consent that the bill H. R. 15422 be taken from the Speaker's desk and disagree to all Senate amendments and agree to the conference asked for on the part of the Senate.

The SPEAKER. The gentleman from Iowa asks unanimous consent to take from the Speaker's desk and disagree to all Senate amendments and agree to the conference asked for on the bill, which the Clerk will read the title.

The Clerk read as follows:

The bill (H. R. 15422) making appropriations for the sundry civil expenses of the Government for the year ending June 30, 1922, and for other purposes.

Mr. BLANTON. Mr. Speaker, I make the point of order against Senate amendment 143, placed on the bill without authority of law, appropriating \$225,000 for the United States Employment Service; I make the point that it is legislation unauthorized by law on an appropriation bill.

The SPEAKER. It is not necessary that the gentleman should make the point of order now.

Mr. BLANTON. I thought it was in order at any time.

The SPEAKER. We are not considering the bill; the request of the gentleman from Iowa is to send it to conference.

Mr. BLANTON. I ask for a ruling by the Chair.

The SPEAKER. The Chair will rule that this is no time to make the point of order.

Mr. BLANTON. Is not the bill before the House?

The SPEAKER. Not for consideration.

Mr. BYRNS of Tennessee. Mr. Speaker, reserving the right to object, the Senate has placed on the bill amendment No. 60, providing for \$10,000,000 for Muscle Shoals Dam under the national securities defense act. There are a number of Members, including myself, who, if the House conferees should find themselves unable to agree to the full amount proposed by the Senate, would like to have the amendment brought back for the purpose of permitting the House to vote on it. I want to ask the gentleman from Iowa if he is willing to state that if the House conferees find themselves unwilling to agree to the amendment as proposed by the Senate he will report it back in order that the House may have an opportunity to vote on it?

Mr. GOOD. Mr. Speaker, when the Muscle Shoals proposition was before the House I stated on the floor of the House that I understood it was the purpose of the War Department to ask for a deficiency to run the plant during the month of June.

I stated at that time that the Committee on Appropriations proposed to have additional hearings. I have already made arrangements to commence those hearings, just on that proposition, commencing on Monday, for a day or two. There seems to be a demand that that matter should be presented to the House. That being the case, I do not believe it would be advisable for five conferees, three Members on the part of the House, to submit the matter, and I have said that after the hearings I had no objection to bringing the matter back to the House and letting the House pass on it. The House is going to pass on that proposition anyway, and if I do not agree to that, it can be forced to come on the floor of the House. I think it ought to be forced only after we have had a full hearing. I have no objection to saying to the gentleman that the matter can be brought back for action by the House.

Mr. BYRNS of Tennessee. Mr. Speaker, with that assurance, I have no objection to the request.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER appointed the following conferees on the part of the House:

Mr. GOOD, Mr. MAGEE, and Mr. BYRNS of Tennessee.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. McLAUGHLIN of Nebraska, for one day, on account of important business.

ADJOURNMENT.

Mr. KELLEY of Michigan. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 5 o'clock and 52 minutes p. m.) the House adjourned until to-morrow, Saturday, February 12, 1921, at 11 o'clock a. m.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. CARTER, from the Committee on Indian Affairs, to which was referred the bill (H. R. 1811) making an appropriation to Clarence W. Turner and William B. Hord in payment of services rendered by them to the Creek Nation, reported the same with amendments, accompanied by a report (No. 1318), which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. WELTY: A bill (H. R. 16075) making it unlawful for any judge appointed under authority of the United States to receive compensation for exercising the duties of arbitrator; to the Committee on the Judiciary.

By Mr. JOHNSON of South Dakota: A bill (H. R. 16076) authorizing bestowal upon the unknown, unidentified British soldier buried in Westminster Abbey and the unknown, unidentified French soldier buried in the Arc de Triomphe of the congressional medal of honor; to the Committee on Foreign Affairs.

By Mr. BROOKS of Illinois: A bill (H. R. 16077) to amend an act entitled "An act to provide for vocational rehabilitation and return to civil employment of disabled persons discharged from the military or naval forces of the United States, and for other purposes," approved June 27, 1918, as amended July 11, 1919; to the Committee on Education.

By Mr. SMITHWICK: A bill (H. R. 16078) authorizing an examination and survey of the harbor of Choctawhatchee Bay, Fla.; to the Committee on Rivers and Harbors.

By Mr. BUTLER: A bill (H. R. 16079) to establish in the Department of the Navy a bureau to be known as the chaplains'

bureau, and for other purposes; to the Committee on Naval Affairs.

By Mr. BRITTEN: A bill (H. R. 16080) to construe a portion of the act approved July 11, 1919, entitled "An act making appropriations for the naval service for the fiscal year ending June 30, 1920, and for other purposes"; to the Committee on Naval Affairs.

By Mr. EVANS of Montana: Memorial of the Legislature of the State of Montana asking for a tariff on all importations of manganese ore; to the Committee on Ways and Means.

By Mr. JOHNSON of Washington: Memorial of the Legislature of the State of Washington favoring the preservation of the American merchant marine; to the Committee on the Merchant Marine and Fisheries.

By Mr. MAY: Memorial from the Legislature of the State of Utah, favoring the bill introduced by Senator King making an appropriation of \$100,000 to be used in surveying public lands in the State of Utah; to the Committee on Appropriations.

By Mr. RIDDICK: Memorial of the Legislature of the State of Montana urging Congress to place a tariff of 1 cent per pound on manganese ore; to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. FESS: A bill (H. R. 16081) granting an increase of pension to Demmie Inman; to the Committee on Invalid Pensions.

By Mr. GALLIVAN: A bill (H. R. 16082) for the relief of Thomas F. Rose; to the Committee on Invalid Pensions.

By Mr. HAWLEY: A bill (H. R. 16083) granting a pension to Harriet U. Webber; to the Committee on Invalid Pensions.

By Mr. RAKER: A bill (H. R. 16084) for the relief of William M. Phillipson; to the Committee on Naval Affairs.

By Mr. THOMAS: A bill (H. R. 16085) granting an increase of pension to Mary F. Kinser; to the Committee on Invalid Pensions.

By Mr. THOMPSON: A bill (H. R. 16086) granting a pension to Mary E. Cordell; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

5675. By Mr. DARROW: Petition of the Consumers' League of Eastern Pennsylvania, favoring the Sheppard-Towner bill; to the Committee on Interstate and Foreign Commerce.

5676. Also, petition of Philadelphia Wholesale Lumber Dealers' Association favoring daylight-saving legislation; to the Committee on Interstate and Foreign Commerce.

5677. By Mr. ESCH: Petition of representatives of the Farm Bureau Association of Ohio, Indiana, Wisconsin, Michigan, Minnesota, Iowa, Missouri, South Dakota, Kansas, and Nebraska, asking for an appropriation to carry on the work of collecting and disseminating information and statistics vital to the farmer; to the Committee on Appropriations.

5678. By Mr. FULLER: Petition of the Western Association of Shoe Wholesalers of Chicago, Ill., opposing the tariff on imported hides; to the Committee on Ways and Means.

5679. Also, petition of John Witzeman and 26 others of La Salle, Ill., urging an amendment to the Volstead Act to permit the manufacture and sale of beer and light wines and opposing the Kellar Sunday observance laws; to the Committee on the Judiciary.

5680. Also, petition of Robert Cummings, president of the Boone County Farm Bureau; H. L. Hough, secretary of the Grundy County Farm Bureau; E. F. Derwent, president of the Winnebago County Farm Bureau; Frank Kash, master of the Winnebago County Grange; W. H. Conklin, president of the Winnebago County Farmers' Institute; H. T. Marsh, of Serena; T. W. Esmond, of Ottawa; and Fred A. Mudge, of Peru, all in the State of Illinois, favoring the bill to regulate the packing industry; to the Committee on Agriculture.

5681. Also, petition of Women's Catholic Order of Foresters of La Salle, Ill.; the Catholic Order of Foresters of Peru, Ill.; and the Catholic Women's League of Rockford, Ill., protesting against the passage of the Smith-Towner bill; to the Committee on Education.

5682. Also, petition of Central Labor Union of Rockford, Ill., favoring resumption of trade relations with soviet Russia; to the Committee on Foreign Affairs.

5683. Also, petition of the citizens' reference bureau of New York City, protesting the passage of the Sheppard-Towner bill

(S. 3259); to the Committee on Interstate and Foreign Commerce.

5684. Also, petition of the Chicago District Ice Association, favoring the Poindexter bill (S. 4204) and the Winslow bill (H. R. 15836); to the Committee on Interstate and Foreign Commerce.

5685. Also, petition of the International Harvester Co., of Chicago, Ill., favoring the Nolan bill (H. R. 15652); to the Committee on Patents.

5686. By Mr. GALLIVAN: Petition of Dorchester Board of Trade, John J. Dailey, secretary, Dorchester, Mass., opposing passage of House bill 15420; to the Committee on Coinage, Weights, and Measures.

5687. By Mr. KELLEY of Michigan: Petition of Women's Literary Club, of Pontiac, Mich., relative to legislation concerning irrigation projects in national parks; to the Select Committee on Water Power.

5688. By Mr. KENNEDY of Iowa: Petition of residents of southern and the first district of Iowa, protesting against the Smith-Towner bill; to the Committee on Education.

5689. By Mr. KING: Petition of Frank W. Baker and 2,700 other citizens of Quincy, Ill., in favor of beer and light wines and opposed to Sunday blue laws; to the Committee on the Judiciary.

5690. By Mr. LAMPERT: Petition of sundry citizens of Chilton, Wis., protesting against the so-called Smith-Towner bill; to the Committee on Education.

5691. By Mr. LUCE: Petition of Division 32 of the Ancient Order of Hibernians, of Saxonville, Mass., protesting against the Smith-Towner bill; to the Committee on Education.

5692. By Mr. LUHRING: Petition of citizens of Evansville, Ind., protesting against so-called Smith-Towner bill; to the Committee on Education.

5693. By Mr. MOONEY: Petition of the City Council of Cleveland, Ohio, protesting against the deportation of Lord Mayor O'Callaghan and favoring the immediate recognition of the Irish republic by the United States Government; to the Committee on Foreign Affairs.

5694. By Mr. O'CONNELL: Petition of Castilian Council of the Knights of Columbus, of New York, opposing the Smith-Towner bill; to the Committee on Education.

5695. Also, petition of Henry C. Finck, musical editor of the New York Evening Post, favoring Senate bill 1551; to the Committee on the Judiciary.

5696. By Mr. HENRY T. RAINEY: Petition of citizens of Cass County, Ill., favoring beer and light wines and protesting against the Sunday blue laws; to the Committee on the Judiciary.

5697. Also, petition of Knights of Columbus, Carrollton Council 1996, of Carrollton, Ill., protesting against the Smith-Towner bill; to the Committee on Education.

5698. By Mr. RANDALL of Wisconsin: Petition of residents of Racine, Wis., requesting an amendment to the Volstead Act permitting the manufacture and sale of beer and light wines; also protesting against the McKellar bill; to the Committee on the Judiciary.

5699. Also, petition of residents of Edgerton, Wis., requesting an amendment to the Volstead Act permitting the manufacture and sale of beer and light wines; also protesting against the McKellar bill; to the Committee on the Judiciary.

5700. By Mr. RIDDICK: Petition of farmers and residents of Daniels County, Mont., asking for enactment of legislation providing Federal aid for farmers to enable them to plant crops in the spring of 1921; to the Committee on Agriculture.

5701. By Mr. SINCLAIR: Petition of Devils Lake, Minot, and Williston, N. Dak., Council of the Knights of Columbus, opposing passage of Smith-Towner educational bill; to the Committee on Education.

5702. Also, petition of citizens of McLean County, N. Dak., protesting against the retention of colored troops in the occupied area of Germany; to the Committee on Foreign Affairs.

5703. By Mr. SNELL: Petition of sundry citizens of Pyrites, N. Y., protesting against the passage of the Smith-Towner bill; to the Committee on Education.

5704. By Mr. STINESS: Petition of Rhode Island State Council, Junior Order of United American Mechanics, proposing that no other language than English be taught in the public schools; to the Committee on Education.

5705. By Mr. TAGUE: Petition of Strathmore Paper Co., of Mittineague, Mass., favoring an immediate modification of the revenue act; to the Committee on Ways and Means.

5706. Also, petition of American War Veterans' Association of Boston and County of Suffolk Employee, favoring the Langley bill (H. R. 15894), and asking that provision be made for a hospital in Boston, Mass., or the immediate vicinity; to the Committee on Public Buildings and Grounds.

5707. Also, petition of James D. Canarie and 5,000 citizens of Boston, West End, Mass., opposing the Smith-Towner bill; to the Committee on Education.

5708. Also, petition of Commonwealth Trust Co., of Boston, Mass., and the Submarine Signal Co., of Boston, Mass., favoring the passage of the Nolan bill; to the Committee on Patents.

5709. By Mr. TINKHAM: Petition of Cumann NaGael Council, American Association for the recognition of the Irish republic, and the Michael Davitt, of the same association, both of Boston, Mass., protesting against the deportation of Lord Mayor O'Callaghan, and against the British army of occupation in Ireland; to the Committee on Immigration and Naturalization.

5710. By Mr. THOMPSON: Petition of Hicksville Chamber of Commerce, of Hicksville, Ohio, urging a protective tariff of not less than 12 cents per dozen on imported shell eggs and other eggs and poultry; to the Committee on Ways and Means.

5711. By Mr. ZIHLMAN: Petition of Baltimore Automobile Dealers' Association; to the Committee on Interstate and Foreign Commerce.

SENATE.

SATURDAY, February 12, 1921.

(Legislative day of Wednesday, February 9, 1921.)

The Senate met at 11 o'clock a. m., on the expiration of the recess.

RIVER AND HARBOR IMPROVEMENTS, 1921 (S. DOC. NO. 384).

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting a communication from the Secretary of War submitting a supplemental estimate of appropriation in the sum of \$362,140.98 required by the War Department for modifications and readjustments of contracts, river and harbor improvements, fiscal year 1921, which was referred to the Committee on Appropriations and ordered to be printed.

WAR MINERALS RELIEF CLAIMS (S. DOC. NO. 385).

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Interior transmitting, in response to Senate resolution 420, a complete list showing all claims filed or presented under section 5 of the act of March 2, 1919 (40 Stat., 1272, 1274), and showing the names of claimants, the amounts of their claims and when filed, all claims which have been allowed and the amounts thereof, and all claims disallowed and the amounts thereof and the reasons for the disallowance of each; also copies of legal constructions placed upon the above-mentioned act by the Secretary of the Interior, the Attorney General, the Solicitor for the Interior Department, and the Comptroller of the Treasury, which was ordered to lie on the table.

Mr. ROBINSON. I move that the report of the Secretary of the Interior giving certain information regarding the relief of mineral claimants be printed as a Senate document.

The motion was agreed to.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT laid before the Senate a resolution of the Legislature of Utah, which was referred to the Committee on Finance, as follows:

STATE OF UTAH, EXECUTIVE DEPARTMENT,
SECRETARY OF STATE'S OFFICE.

I, H. E. Crockett, secretary of state of the State of Utah, do hereby certify that the attached is a full, true, and correct copy of S. C. M. No. 1, petitioning the Congress of the United States to place increased import duties on lead, as appears on file in my office.

In witness whereof I have hereunto set my hand and affixed the great seal of the State of Utah this 4th day of February, 1921.

[SEAL.]

H. E. CROCKETT,
Secretary of State.

S. C. M. No. 1, by Mr. Jenkins, petitioning the Congress of the United States to place increased import duties on lead.

To the Senate and House of Representatives of the United States in Congress assembled:

Your memorialists, the governor and Legislature of the State of Utah, respectfully represent that—

Whereas the production of lead is an important industry of the United States and in the State of Utah affords employment to thousands of persons directly, and indirectly to thousands of others; and

Whereas the market price of lead has receded to the level that existed before the World War, while production costs remain and will remain indefinitely much higher, in consequence of which many mines in this and other States have been compelled to suspend production and others to curtail production, thus depriving thousands of persons of employment; and

Whereas the present import duties on lead are insufficient to enable the United States producers to operate under the working conditions and standards of living to which American miners are accustomed and entitled: Now, therefore,

The governor and Legislature of the State of Utah respectfully petition that import duties on lead be increased as soon as possible in amount sufficient to enable domestic producers to resume and continue operations.

The foregoing memorial was publicly read by title and immediately thereafter signed by the president of the senate, in the presence of the house over which he presides, and the fact of such signing duly entered upon the journal this 1st day of February, 1921.

THOMAS E. MCKAY,
President of Senate.

Attest:

Q. B. KELLY,
Secretary of Senate.

The foregoing memorial was publicly read by title and immediately thereafter signed by the speaker of the house, in the presence of the house over which he presides, and the fact of such signing duly entered upon the journal this 2d day of February, 1921.

E. R. CALLISTER,
Speaker of the House.

Attest:

C. R. BRADFORD,
Chief Clerk of House.

Received from the senate this 3d day of February, 1921.
Approved February 3, 1921.

CHAS. R. MABEY, Governor.

Received from the governor and filed in the office of the secretary of state this 4th day of February, 1921.

H. E. CROCKETT,
Secretary of State.

The VICE PRESIDENT laid before the Senate a resolution of the Legislature of Utah, which was referred to the Committee on Irrigation and Reclamation of Arid Lands as follows:

STATE OF UTAH, EXECUTIVE DEPARTMENT,
SECRETARY OF STATE'S OFFICE.

I, H. E. Crockett, secretary of state of the State of Utah, do hereby certify that the attached is a full, true, and correct copy of S. C. M. No. 2, a memorial to the President and Congress of the United States relating to a proposed Federal reclamation project on Green River in the State of Utah, as appears on file in my office.

In witness whereof I have hereunto set my hand and affixed the great seal of the State of Utah this 4th day of February, 1921.

[SEAL.]

H. E. CROCKETT,
Secretary of State.

S. C. M. No. 2. By committee on agriculture. A memorial to the President and Congress of the United States relating to a proposed Federal reclamation project on Green River in the State of Utah.

To the President and the Congress of the United States:

Your memorialists, the governor and Legislature of the State of Utah respectfully represent:

That the Reclamation Department of the Federal Government has appropriated 4,000 second-feet of water to be diverted from Green River at a point near the confluence of Coal Creek and the Green River to be used for reclaiming approximately 564,000 acres of land in San Rafael and Green River Valleys in the State of Utah;

That the climate in said valleys is ideal for the production of fruits and agricultural crops;

That the land to be reclaimed is fertile and adapted for general agricultural purposes;

That the reclamation of said land will furnish homes for many citizens and especially for soldiers, sailors, and marines of the World War;

Therefore we respectfully memorialize you to enact the necessary law and to make the necessary appropriation to carry out the said project.

And your memorialists, as in duty bound, will ever pray.

The foregoing memorial was publicly read by title and immediately thereafter signed by the president of the senate, in the presence of the house over which he presides, and the fact of such signing duly entered upon the journal this 2d day of February, 1921.

THOMAS E. MCKAY,
President of the Senate.

Attest:

Q. B. KELLY,
Secretary of Senate.

The foregoing memorial was publicly read by title and immediately thereafter signed by the speaker of the house, in the presence of the house over which he presides, and the fact of such signing duly entered upon the journal this 3d day of February, 1921.

E. R. CALLISTER,
Speaker of the House.
C. R. BRADFORD,
Chief Clerk of House.

Received from the senate this 3d day of February, 1921.
Approved February 3, 1921.

CHAS. R. MABEY, Governor.

Received from the governor and filed in the office of the secretary of state this 4th day of February, 1921.

H. E. CROCKETT,
Secretary of State.

Mr. KENYON. I present a concurrent resolution of the Legislature of the State of Iowa with reference to the construction placed upon the recent railroad act by the Interstate Commerce Commission holding that the act gives them power over intrastate rates as well as interstate rates, a question of vital moment to the people of the Middle West. I send the concurrent resolution to the desk, and as it is very short I will ask to have it read.

The VICE PRESIDENT. The Secretary will read as requested.